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General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 23 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As Israel, the occupying Power, continues to wage its military campaign and to carry out its illegal policies and practices against the Palestinian people, living conditions and the situation on the ground throughout the Occupied Palestinian Territory, including East Jerusalem, continue to deteriorate, compounding the already dire humanitarian crisis. The occupying Power also continues to wage a campaign of brutal oppression against the thousands of Palestinian civilians it continues to detain or imprison, whose conditions continue to be a matter of grave concern.

As conveyed in our letter of 19 August 2004, more than 2,000 of the Palestinian detainees and prisoners are continuing their hunger strike in a non-violent protest of the deplorable conditions and treatment to which they are being subjected at the hands of the occupying Power. The hunger strike was undertaken more than a week ago by the detainees and prisoners to draw attention to the inhumane and humiliating conditions in which they are being held with the aim of securing from the Israeli occupying forces more humane conditions and treatment, including, inter alia, the right to family visits, an end to arbitrary and indiscriminate beatings, an end to prolonged periods of solitary confinement and isolation and access to adequate health care and medical treatment.

The immediate response of the occupying Power to the hunger strike has further aggravated and inflamed the situation. Israel's Public Security Minister, Tzachi Hangebi, has been quoted as callously stating, "The prisoners can strike for a day, a month, even starve to death, as far as I am concerned. We will ward off this strike and it will be as if it never happened." He emphasized that he has no intention of easing the conditions being protested. Indeed, on the contrary, Israel's response to the strike has been the imposition of even more restrictions on the detainees and prisoners, including the removal of radios and televisions, denial of access to newspapers and cancellation of family visits, and several more of the detainees have now been placed into solitary confinement.

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Since September 2000, the Israeli occupying forces have been carrying out raids and arbitrary arrests of Palestinian civilians throughout the Occupied Palestinian Territory on an almost daily basis, with a constant fluctuation in the number of Palestinians being held by the occupying Power at any one point. Currently, more than 7,000 Palestinian civilians are being confined in Israeli military detention centres, prison camps and jails, including many women and children. In this regard, the latest figures indicate that there are currently 380 Palestinian children under the age of 18 years old and 106 Palestinian women, 20 of them mothers, being held in Israeli detention centres and prisons. The Palestinian detainees and prisoners are being illegally held by the occupying Power, the majority of them without charge or trial and without access to legal assistance or their families. They are being held in unhygienic and unsanitary conditions and are being subjected to degrading, inhumane and brutal treatment, including physical and psychological harassment, punishment and abuse and, in many cases, even torture. Moreover, the occupying Power routinely illegally transfers Palestinian detainees and prisoners in the occupied Palestinian territory to centres and prisons in Israel, leaving their families and lawyers without any knowledge of their location.

All such policies and practices by Israel, the occupying Power, are being carried out in grave violation of its obligations under international law, including in particular international humanitarian law and human rights law. In this regard, it is imperative to recall that, in accordance with article 76 of the Fourth Geneva Convention, which is applicable to the Occupied Palestinian Territory, including East Jerusalem, "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country. They shall receive the medical attention required by their state of health. They shall also have the right to receive any spiritual assistance which they may require. Women shall be confined in separate quarters and shall be under the direct supervision of women. Proper regard shall be paid to the special treatment due to minors. Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143. Such persons shall have the right to receive at least one relief parcel monthly." In addition to the flagrant violation of the Fourth Geneva Convention, the actions of the occupying Power in this regard are in violation of relevant provisions of the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

The international community must undertake concerted efforts to ensure that Israel, the occupying Power, abides by all of its legal obligations under international law, including its obligations vis-à-vis the thousands of Palestinian civilians it continues to detain and imprison. The occupying Power must ensure adequate food, hygiene and sanitation for the detainees and prisoners, must completely cease all acts of physical abuse, harassment and torture of detainees and prisoners, must ensure them access to their families and lawyers and must ensure the access of international medical and humanitarian organizations to monitor their well-being and provide assistance.

This letter is in follow-up to our previous 197 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 19 August 2004 (A/ES-10/277-S/2004/668), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2004/674

Security Council

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23 August 2004

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Letter dated 18 August 2004 from the Permanent Observer of the League of Arab States to the United Nations addressed to the Secretary-General

I have the honour to transmit the text of a letter addressed to you by Amre Moussa, Secretary-General of the League of Arab States (see annex) regarding the outcome of the extraordinary session of the Ministerial Council of the League of Arab States held on 8 August 2004. Enclosed herewith is resolution No. 6425 and the declaration issued at that session concerning the situation in Darfur (see enclosures).

In accordance with Article 54 of the Charter of the United Nations I should be grateful if you would have the text of the present letter, its annex and enclosures circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

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Annex to the letter dated 18 August 2004 from the Permanent Observer of the League of Arab States to the United Nations addressed to the Secretary-General

17 August 2004

It gives me a great pleasure to inform you of the outcome of the extraordinary session of the Ministerial Council of the League of Arab States held on August 2004 concerning the situation in Darfur, with the participation of Professor Alpha Oumar Konare, Chairperson of the Commission of the African Union, and his special representative to Darfur, Hamid Algabid, as well as Jan Pronk, Special Representative of the United Nations Secretary-General for the Sudan, and Alhaji Abubakar A. Tanko, Minister of State for Foreign Affairs and Representative of the Federal Republic of Nigeria, the current presidency of the African Union. I also have the honour to enclose herewith resolution No. 6425 and the declaration issued at that session concerning the situation in Darfur.

In this regard, I would like to underline that the Council:

- Expressed its deep concern regarding developments in Darfur and the resulting human tragedy including the problem of refugees and displaced persons as well as its concern over reports regarding acts of violence committed against civilians and the violations of human rights on the part of different illegal militant groups, the Janjaweed included.
- Welcomed the steps taken by the Government of the Sudan in implementing its commitments and pledges in accordance with the joint communiqué of 3 July 2004 between the Government of the Sudan and the United Nations Secretary-General in relation to the situation in Darfur.
- Welcomed the agreement between the Secretary-General of the Arab League, the Foreign Minister of the Sudan and the Special Representative of the United Nations Secretary-General in relation to the participation of the Secretariat of the Arab League in the joint mechanism in charge of assessing the implementation of the commitments stipulated in the communiqué jointly issued by the Government of the Sudan and the United Nations Secretary-General on 3 July 2004.
- Called on all concerned parties to honour their commitments as stipulated in the ceasefire agreement signed in N'Djamena on 8 April 2004.
- Called on the two rebel movements to resume peace talks with the Government of the Sudan under the auspices of the African Union without preconditions in order to reach a political settlement for the crisis of Darfur.
- Called on the international community to allow an adequate time frame for the Government of the Sudan to implement its commitments and pledges as stipulated in its joint communiqué with the United Nations and in United Nations Security Council resolution 1556 (2004) and the Darfur Plan of Action reached on 5 August 2004 between the Sudanese Minister for Foreign Affairs and the Special Representative of the United Nations Secretary-General for the Sudan.
- Rejected any threats of forced military intervention in Darfur.

- Called for providing the necessary assistance to help repatriate refugees and displaced persons of Darfur away from any pressures that may lead to further negative consequences on the entire Sudanese people and complicate the Darfur crisis.

- Called on Arab and international donors to finance humanitarian assistance to the people of Darfur and to implement the pledges undertaken at the Geneva meeting in June 2004.

- Supported fully all the endeavours undertaken by the African Union in its efforts aimed at settling the Darfur crisis and called on member countries of the League of Arab States, especially those that are also members of the African Union, to actively participate in the monitoring team of the ceasefire agreement and provide protection for its members.

- Called for the participation of the League of Arab States in the mediation conducted under the auspices of the African Union between the Government of the Sudan and the rebel movements and in the subcommittees established in accordance with the ceasefire agreement reached in N'Djamena on 8 April 2004.

- Appealed for urgent financial, technical and logistical assistance to the Government of the Sudan in order to consolidate its efforts aiming to restore security and stability in Darfur.

- Called on member countries of the League of Arab States, the Arab organizations, specialized Arab ministerial councils and Arab non-governmental organizations to extend urgent humanitarian and technical assistance and stress direct Arab involvement in providing assistance to Darfur.

- Called on the negotiating parties to reach a comprehensive agreement as soon as possible and stresses the willingness of the member countries of the League of Arab States to provide the required assistance to secure the full implementation of the Agreement.

(*Signed*) Amre **Moussa**

Enclosure I

[Original: Arabic]

Resolution 6425
Development of the situation in Darfur

The Council of the League of Arab States, meeting in extraordinary session at the ministerial level,

Having considered:

- The note of the Republic of the Sudan on the subject, and heard the presentation given by His Excellency the Minister for Foreign Affairs of the Sudan on the efforts of the Sudanese Government to restore stability in Darfur and the steps it has taken to implement its commitments pursuant to the joint communiqué issued in Khartoum by the Government of the Sudan and the Secretary-General of the United Nations on 3 July 2004, United Nations Security Council resolution 1556 (2004), and the Plan of Action signed on 5 August 2004 by the Minister for Foreign Affairs of the Sudan and the Special Representative of the Secretary-General of the United Nations for the Sudan,
- The report of the mission of the League of Arab States which visited Darfur between 29 April and 15 May 2004,
- The declaration of the Third Summit of the African Union held in Addis Ababa on 8 July 2004 concerning Darfur, and the efforts of the African Union concerning this matter,

Recalling the communiqué issued by the Council of the Arab League meeting at the permanent representative level on 11 July 2004 concerning the question of Darfur, and the communiqué issued by the Special Committee on the Sudan on 27 July 2004 on that subject,

Welcoming the joint communiqué issued on 3 July 2004 by the Government of the Sudan and the Secretary-General of the United Nations, including the establishment of a Joint Implementation Mechanism for the undertakings and commitments contained in the communiqué, and the Darfur Plan of Action signed on 5 August 2004 by the Minister for Foreign Affairs of the Sudan and the Special Representative of the Secretary-General of the United Nations to the Sudan,

Reaffirming its commitment to respect, and ensure respect for, the sovereignty, territorial integrity and independence of the Sudan, and *calling on* all States actively to affirm that commitment,

Affirming the role of the African Union under the leadership of H.E. Mr. Olusegun Obasanjo, President of Nigeria, and H.E. Professor Alpha Oumar Konaré, Chairman of the Commission of the African Union, in addressing the situation in Darfur, and the readiness of the Arab League to cooperate closely with, and offer full support for, the efforts of the Union to strengthen the course of Arab-African cooperation in addressing issues of common concern,

Expressing its grave anxiety over the humanitarian crisis in the Darfur region and human rights violations, including attacks on civilians being carried out by extralegal groups and militias, and *urging* the parties to the crisis to take the steps

necessary to prevent continued human rights violations and put an immediate end to them,

Welcoming the commitment of the Government of the Sudan to investigate these violations and bring their perpetrators to justice,

Expressing its grave anxiety over reports of violations of the Ceasefire Agreement signed at N'Djamena on 8 April 2004,

Expressing its regret at the setback to political negotiations under the auspices of the African Union between the Sudanese Government, on the one hand, and the Sudan Liberation Movement and the Justice and Equality Movement, on the other, because of the insistence of the two movements on setting prior conditions to the negotiations, leading to a break in those negotiations,

Appreciating the support offered by some Arab States, and *urging* the rest of the Arab member States and Arab associations and non-governmental organizations to offer urgent humanitarian aid to victims of the crisis in Darfur,

Noting and welcoming the six protocols signed by the Government of the Sudan and the Sudan People's Liberation Movement in Nairobi, Kenya, on 5 June 2004, and the quest by both negotiating parties to reach a comprehensive peace agreement as soon as possible, and *stressing* the readiness of the member States and organizations of the Arab League to offer the support necessary to assure complete implementation of the agreement,

In order to embody the spirit of Arab solidarity with the Sudan and to provide the support necessary to the Sudanese Government to enable it to address and settle the crisis in Darfur on all levels, and to avoid the imposition of any sanctions on the Sudan by the Security Council,

1. *Expresses* its grave anxiety concerning the development of the situation in Darfur, the humanitarian crisis faced by emigrants in Darfur and refugees in Chad, and reports of violence against civilians and of human rights violations by all parties to the crisis and by extralegal armed groups including the Janjaweed;

2. *Welcomes* the steps taken by the Sudanese Government to implement its undertakings and commitments under the agreement signed on 3 July 2004 with the Secretary-General of the United Nations concerning the settlement of the crisis in Darfur;

3. *Welcomes* the agreement among His Excellency the Secretary-General of the League of Arab States, His Excellency the Minister for Foreign Affairs of the Sudan, and the Special Representative of the Secretary-General of the United Nations to the Sudan, on the inclusion of the General Secretariat of the League of Arab States in the joint mechanism of the Sudanese Government and the United Nations to evaluate the implementation of the commitments of the joint communiqué issued by them on 3 July 2004;

4. *Agrees* that the activities of rebel forces should be cantoned in agreed-upon locations, and that rebel militias should be disarmed by the Sudanese Government, simultaneously and under the auspices of the African Union;

5. *Welcomes* the efforts of the Independent Investigation Committee of the Sudan and *authorizes* the General Secretariat to work with the Government of the

Sudan to support the work of the Committee in its investigations of human rights violations in Darfur;

6. *Calls* on all parties for a complete commitment to the conditions stipulated by the Ceasefire Agreement signed in N'Djamena on 8 April 2002;

7. *Calls on* both of the rebel movements to resume peace talks with the Sudanese Government under the auspices of the African Union without prior conditions, with the goal of reaching a political solution to the crisis in Darfur;

8. *Calls on* the Security Council to allow a sufficient and appropriate time frame to the Sudanese Government to enable it to implement the undertakings and commitments contained in the joint communiqué that it issued with the United Nations, in Security Council resolution 1556 (2004) and in the Darfur Plan of Action issued by the Minister for Foreign Affairs of the Sudan and the Special Representative of the Secretary-General of the United Nations to the Sudan on 5 August 2004, *rejects* any suggestion of coercive military intervention in the region or the imposition of sanctions on the Sudan, *offers* the support necessary for the return of emigrants and refugees to their villages and farms, while eschewing any pressures or efforts to impose sanctions which can only result in instability and negative consequences for the Sudanese people as a whole and compound the crisis in Darfur, and *urges* international donors and the United Nations to lose no time in providing humanitarian funding to victims in Darfur and to refugees in Chad, and implementing the undertakings announced at the Geneva meeting last June;

9. *Offers* full Arab support to the African Union in its efforts to resolve the crisis in Darfur, and *calls on* the States members of the League of Arab States, and in particular those that are also members of the African Union, to participate actively in the ceasefire monitoring team and the African protection force;

10. *Requests* participation by the Arab League in ongoing mediation efforts involving the Sudanese Government under the auspices of the African Union, and in committees arising from the Ceasefire Agreement signed at N'Djamena on 8 April 2004;

11. *Offers* emergency financial, technical and logistical support to the Sudanese Government in support of its efforts to restore security and stability in Darfur, *calls* on member States, Arab organizations, special ministerial councils, and Arab non-governmental associations to offer emergency humanitarian aid and technical support, and *stresses* the need for an immediate Arab presence in Darfur to undertake the provision of humanitarian aid to the victims;

12. *Calls* on neighbouring States not to permit armed militias to reside in or move about their territory, and to adopt a constructive stance that will assist in a peaceful settlement to the situation in Darfur;

13. *Requests* that the Secretariat work in conjunction with the Sudanese Government to organize periodic visits to the Darfur region by a small committee of representatives of the States on the Committee on the Sudan, to coordinate Arab participation with African Union monitoring teams and humanitarian aid agencies, and the independent Sudanese fact-finding committee in Darfur, with a view to settling the crisis;

14. *Requests* the Secretary-General to make immediate contacts with international and regional parties, especially the permanent members of the Security

Council, to explain the Arab position on the crisis and to secure greater understanding and support for it, and to ensure that the Sudanese Government is given an adequate and suitable amount of time to deal with all the challenges of the crisis in Darfur;

15. *Requests* the Secretary-General to present a report on the implementation of this resolution to the upcoming regular session of the Council of the Arab League at the ministerial level.

Enclosure II

[Original: Arabic]

Communiqué of the Ministerial-level Council of the League of Arab States at its extraordinary session concerning the development of the situation in Darfur (8 August 2004)

The Council of the League of Arab States met in extraordinary session at the ministerial level at the request of Republic of the Sudan to consider the development of the situation in Darfur under the Chairmanship of H.E. Mr. Abbas El Fassi, Minister of State of the Kingdom of Morocco, and with the attendance of Professor Alpha Oumar Konaré, Chairman of the African Union Commission, and his Special Representative for Darfur, Mr. Hamid Al-Ghabid, Mr. Jan Pronk, Special Representative of the Secretary-General of the United Nations for the Sudan, H.E. Mr. Al-Haj Abu Bakr Tanko, Minister of State for Foreign Affairs of the Federal Republic of Nigeria representing H.E. Mr. Olusegun Obasanjo, President of the Federal Republic of Nigeria.

The Council considered all aspects of the developments in the situation in Darfur, particularly subsequent to the adoption of Security Council resolution 1556 (2004) of 30 July 2004 concerning the subject. It heard the presentation made by the Minister for Foreign Affairs of the Sudan concerning the efforts made and the steps taken by the Government of the Sudan to restore stability in Darfur, and the steps it had taken to comply with its obligations under its agreement with the United Nations and Security Council resolution 1556 (2004).

The Council welcomed the steps taken by the Government of the Sudan to comply with its undertakings and obligations under the agreement signed on 3 July 2004 with the Secretary-General of the United Nations concerning the resolution of the crisis in Darfur, particularly in the light of the following:

(a) The suspension by the Government of the Sudan of all entry visa restrictions for humanitarian workers, the registration of non-governmental organizations, and also its suspension of restrictions on the importation and use of humanitarian assistance materials and means of transport and communication;

(b) The deployment of a police force throughout the region, support for the work of the judicial system in the Darfur provinces, particularly in areas where emigrants are concentrated, the establishment of an independent commission to investigate human rights violations and the facilitation of its work, the authorization for the deployment of human rights monitors from the United Nations High Commission for Human Rights in Darfur and the dispatch of commissions of inquiry headed by women magistrates to receive complaints connected with rape, in compliance with the Sudan's obligation and undertaking to take measures to end impunity and to investigate breaches of human rights;

(c) The start of operations for the voluntary return of emigrants and refugees;

(d) The arrest of a number of leaders of the Janjaweed, their prompt arraignment before the courts and the passing of judicial sentences on some of them,

as a start to an extensive campaign to disarm the extralegal militias and bring them to justice;

(e) The responsiveness of the Government of the Sudan to the invitation by the African Union to resume talks unconditionally in Addis Ababa on 15 July 2004, talks which ended before they had begun because of the position of the two rebel movements and their insistence on prior conditions.

The Council confirmed its obligation to respect and to ensure respect for the sovereignty, territorial integrity and independence of the Sudan and called on all States actively to affirm that commitment.

The Council welcomed the positive cooperation of the Government of the Sudan and the steps taken by it to fulfil its undertakings under its agreement with the United Nations and its obligations to implement Security Council resolution 1556 (2004).

The Council also welcomed the agreement between the Secretary-General of the United Nations, the Minister for Foreign Affairs of the Sudan and the Special Representative of the Secretary-General for the Sudan to include the General Secretariat of the League of Arab States in the Joint Implementation Mechanism between the Government of the Sudan and the United Nations to evaluate the implementation of the obligations contained in the joint communiqué issued by them on 3 July 2004.

The Council called on the two rebel movements to resume peace talks with the Government of the Sudan under the auspices of the African Union and without prior conditions in order to achieve a political solution to the crisis in Darfur.

The Council emphasized that Arab-African interdependence, stemming from the historical continuity between the two sides and now reinforced by the current cooperation between them in all fields, refutes any allegations concerning the racial and ethnic nature of events in Darfur.

The Council expressed its appreciation of the role of the African Union headed by H.E. Mr. Olusegun Obasanjo, President of Nigeria, and H.E. Professor Alpha Oumar Konaré, Chairman of the Commission of the African Union, in addressing the situation in Darfur and the readiness of the Arab League to cooperate closely with, and offer full support for, the efforts of the Union to strengthen the course of Arab-African cooperation in addressing issues of common concern.

The Council decided to offer full Arab support to the endeavours of the African Union in guiding efforts to find a solution to the crisis in Darfur and to call on Arab States members of the League of Arab States, particularly those that are members of the African Union, to cooperate effectively in the Ceasefire Monitoring Group and its protection force. It also called for the participation of the Arab League in mediation efforts, under the auspices of the African Union, between the Government of the Sudan and the two rebel movements, and in the commissions stemming from the ceasefire agreement signed at N'Djamena on 8 April 2004.

The Council welcomed the announcement of the resumption of negotiations between the Government of the Sudan and the two rebel movements in the Nigerian capital of Abuja on 23 August 2004.

The Council also appealed to the international community to allow a sufficient and appropriate time frame to the Government of the Sudan to enable it to comply with its undertakings and obligations under its agreement with the United Nations and Security Council resolution 1556 (2004), to reject any suggestion of coercive military intervention in the region or the imposition of any sanctions on the Sudan, and to provide the necessary support for the return of the emigrants and refugees to their villages and farms, eschewing any pressure or attempts to impose sanctions which would give rise to nothing but insecurity and negative complications for the Sudanese people as a whole and would further exacerbate the crisis in Darfur, and to urge Arab and international donors to lose no time in funding the humanitarian needs of the victims in Darfur and to implement the undertakings announced at the Geneva meeting last June.

The Council requested the Secretary-General to establish urgent and intensive contacts with international and regional parties, particularly the permanent members of the Security Council, in order to explain the Arab position concerning the crisis and to secure greater understanding and support for it, and to ensure that the Government of the Sudan is given an adequate and appropriate time limit to address all the challenges of the crisis in Darfur.

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Fifty-eighth session
Agenda item 30
Question of Cyprus

Security Council
Fifty-ninth year

Letter dated 23 August 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary–General

I have the honour to transmit herewith a letter dated 20 August 2004, addressed to you by Mehmet Dana, Chargé d'affaires a.i. and Deputy Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter were circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

04-46988 (E) 260804

Annex to the letter dated 23 August 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

20 August 2004

I have the honour to convey herewith a copy of a letter dated 18 August 2004 addressed to you by H.E. Mr. Serdar R. Denktaş, Deputy Prime Minister and Minister for Foreign Affairs of the Turkish Republic of Northern Cyprus (see enclosure).

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Mehmet **Dana**
Chargé d'affaires a.i.

Enclosure

18 August 2004

I have the honour to refer to the two letters from the Greek Cypriot representative to the United Nations in New York, dated 26 and 23 July, respectively, and circulated as documents A/58/859-S/2004/598 and A/58/857-S/2004/596, and to bring to your kind attention the following views and considerations.

In his first cited letter, the Greek Cypriot representative portrays the Cyprus question as a problem of "invasion and occupation" in an attempt to escape the Greek Cypriot side's grave responsibility in the creation and the continuation of the dispute.

It is, in fact, true that there is an occupation in Cyprus but this is the 41-year-old usurpation and continued occupation of the seat of government of the once bi-national partnership Republic of Cyprus by the Greek Cypriot side. The Turkish intervention on Cyprus carried out in accordance with its rights and obligations emanating from the 1960 Treaty of Guarantee was fully legal and legitimate under article 4 of the said Treaty. The Turkish Army is in Cyprus under legal obligations to keep peace pending a solution and the Turkish military presence on the island is a vital security requirement for the Turkish Cypriot people, particularly in the absence of a comprehensive political settlement. It is, of course, very convenient that the Greek Cypriot representative chose to overlook that it was the Greek Cypriots who rejected your comprehensive settlement plan which effectively addressed and eliminated that requirement.

It is a well-documented reality that the Cyprus question did not arise overnight on 20 July 1974 but is the result of a long history of events perpetuated by the Greek Cypriots in order to annex the island to Greece (Enosis). Following the destruction in December 1963 of the Republic of Cyprus and their rejection by force of arms from the partnership government, the Turkish Cypriot people outlived the agonies and losses of the Greek Cypriot armed attacks, were confined to small enclaves, subjected to gross violations of human rights including being rendered refugees many times over, living under open-air prison conditions. Thousands of Turkish Cypriot civilians lost their lives, were maimed or wounded, hundreds more went missing under the 11-year Greek Cypriot oppression.

It is only natural that the Turkish Cypriot people commemorate the anniversary of the timely Turkish intervention which not only saved them from total annihilation but freed their vested rights to speak and act for themselves through their separate will, which they used towards unification. The 65-per-cent majority at the Turkish Cypriot referendum on your plan demonstrated beyond doubt that the expressed will of the Turkish Cypriot people is in favour of a just and viable solution rather than secession as suggested by the Greek Cypriot representative. As for the participation of Turkey at the commemorations, it needs to be stressed that she chose to honour the Turkish Cypriot invitation despite the fact that her presence carried the risk of Greek Cypriot distortion regarding her policy on Cyprus.

It is, however, well known that the official Turkish policy on Cyprus has not deviated from the one demonstrated during the negotiating period on your settlement plan. As also recorded by you, Turkey has been more than forthcoming in not only

cooperating to develop a solution in Cyprus but strongly encouraging the Turkish Cypriot side to opt for the approval of your comprehensive settlement plan, which you had described as the only choice opposed to no settlement. It is, therefore, uncalled for to accuse Turkey of pursuing anything other than a bi-zonal, bi-communal solution based on political equality, the responsibility for the absence of which rests solely with the Greek Cypriot side.

The rejection of your plan by 76 per cent at the Greek Cypriot referendum demonstrated that, in overwhelming majority, neither the Greek Cypriot people nor their political leaders are ready to enter into a power-sharing arrangement with the Turkish Cypriots. Instead, they choose to continue to enjoy the benefits of the usurped title of the "Republic of Cyprus" and their new European Union membership. The reason behind this rejectionist attitude was openly stated by the Greek Cypriot leader Mr. Papadopoulos in his address on 7 April 2004, when he demanded a "resounding no" to the Annan plan from the Greek Cypriots. It was to achieve the "joint strategic goal" of "politically upgrading and shielding their internationally recognized state".

The so-called "confidence-building measures" which comprise the second cited letter of the Greek Cypriot representative are also designed to achieve the very same goal. It is beyond comprehension how the Greek Cypriot administration can present the said measures as an act of goodwill aimed at confidence-building when their refusal of your plan ensured that every single one, and all its added benefits including unification, did not materialize under a power-sharing arrangement.

I wish to stress, at the outset, that the Turkish Cypriot side has always been and is committed to promoting the search for resolution through the creation of confidence between the two peoples of the island. In fact, the sincerity of our expressed will in this regard has been repeatedly demonstrated by unilateral actions including our landmark decision providing for mutual crossings across the two sides as well as the recent sequence of decisions waiving all restrictions with regard to crossings as to time and duration of stay, organization of tourist tours and the requirement for producing a valid passport. As you are well aware our humanitarian initiative regarding the opening of a Greek Cypriot secondary school in the Karpaz peninsula has been praised as a major step of goodwill by the international community.

The nature of the Greek Cypriot proposals, on the other hand, constitute a striking example of their proficiency in presenting what they originally hamper as positive openings and skilfully exploiting the situation for political gain. As is known to the United Nations forces in Cyprus, the so-called military initiatives of the Greek Cypriot administration have been on the agenda for a long time and despite our constructive approach the efforts towards this end remained futile due to the political impediments created by the Greek Cypriot administration. Regarding the opening of additional crossing points, the Turkish Cypriot Government has long declared its unilateral intention and preparations on this issue in consideration of practical and economic needs. As for the opportunity for Turkish Cypriots to export their goods through Greek Cypriot ports, we witness a glaring example of the Greek Cypriot administration's intention to continue holding our economic development hostage to its political considerations as well as extending its illegal authority over Turkish Cypriots.

The above-stated mentality is evident on the issue of opening the port of Famagusta to international trade in addition to a cunning attempt to curtail international efforts to support the economic and social development of the Turkish Cypriot people. The European Union Council proposals on special conditions for trade with North Cyprus and the Greek Cypriot objections in this regard are well known and need no further elaboration. The timing and formulation of the Greek Cypriot proposals on this issue leave no room for doubt that they are mainly aimed at preventing the Council proposals from materializing in conjunction with the added benefit of acquiring land for Greek Cypriots, much more of which was on offer on a give-and-take basis in the very plan they overwhelmingly rejected.

For its part, the Turkish Cypriot side has certainly proved its dedication to reunification on the basis of partnership and political equality and that its firm conviction in this regard remains unchanged.

As for the Greek Cypriot side, we share the international opinion that if the Greek Cypriot side truly desires a bi-zonal, bi-communal solution based on power-sharing and equality, it is high time this is expressed not in words but in concrete actions isolated from any other political or tactical considerations. We only hope that the Greek Cypriot side will soon adopt the necessary constructive approach and instead of impeding international efforts start cooperating towards lifting the economic, social and political restrictions preventing the development of the Turkish Cypriot people, which is the only way to create another window of opportunity from the present impasse they have created.

We trust that your valuable efforts will play an effective role in bringing about this most desired outcome.

(*Signed*) Serdar R. **Denktaş**
Deputy Prime Minister
and Minister for Foreign Affairs

United Nations S/2004/676

Security Council

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24 August 2004

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Letter dated 23 August 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1558 (2004), adopted by the Security Council on 17 August 2004, concerning Somalia. In paragraph 3 of that resolution the Council requested me to re-establish, in consultation with the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, within 30 days from the date of the adoption of the resolution, and for a period of six months, the Monitoring Group as referred to in paragraph 2 of resolution 1519 (2003) to undertake the mandate contained in subparagraphs 3 (a) to (e) of resolution 1558 (2004).

Accordingly, I wish to inform you that, after consultations with the Committee, I have appointed the following experts:

Mr. John E. Tambi (Sierra Leone)
Mr. Melvin E. Holt, Jr. (United States of America)
Mr. Changsheng Li (China)
Mr. Joel Salek (Colombia)

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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United Nations S/2004/677

Security Council

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24 August 2004

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Letter dated 24 August 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1552 (2004), adopted on 27 July 2004, concerning the Democratic Republic of the Congo. In paragraph 5 of that resolution the Council requested me to re-establish, in consultation with the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and for a period expiring on 31 January 2005, the group of experts referred to in paragraph 10 of resolution 1533 (2004). In paragraph 6 of resolution 1552 (2004), the Security Council requested the group of experts to report to the Council in writing before 15 December 2004 on the implementation of the arms embargo imposed by paragraph 20 of resolution 1493 (2003), and extended by resolution 1552 (2004), with recommendations in that regard.

Accordingly, I wish to inform you that, after consultations with the Committee, I have appointed the following experts:

Ms. Kathi Lynn Austin (United States of America)
Mr. Victor Dupere (Canada)
Mr. Jean Luc Gallet (France)
Mr. Léon-Pascal Seudie (Cameroon)

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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General Assembly
Security Council

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General Assembly
Fifty-eighth session
Items 24, 37, 38, 84, 103 and 116

Security Council
Fifty-ninth year

Implementation of the resolutions of the United Nations

The situation in the Middle East

Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Right of peoples to self-determination

Identical letters dated 24 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

The unlawful confiscation and colonization of the Palestinian land by Israel, the occupying Power, continues unabated and has escalated at an alarming rate during the current period. In recent days and during past weeks, the Israeli government has made several announcements regarding its intention and actual plans to expand illegal settlements in the Occupied Palestinian Territory, particularly settlements that have been constructed in and around Occupied East Jerusalem.

A few weeks ago, the Israeli government approved the construction of another 600 housing units in the "Maale Adumim" settlement, located east of Jerusalem and the largest Israeli settlement in the West Bank, and declared plans to establish a new settlement of thousands of units in an area north of Jerusalem in order to connect these areas with the "Maale Adumim" settlement. Now Israeli officials have announced plans for expansion of even more settlements in the Occupied Palestinian Territory. Last week, Prime Minister Sharon issued tenders for the building of 1,001 settlement units and announcements were made regarding plans to issue tenders for 633 more units. The occupying Power also declared yesterday that it was "rezoning" land for another 533 settlement units in the Jerusalem area, bringing just this week's

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total for planned expansion to an additional 2,167 settlement units in the Occupied Palestinian Territory, including East Jerusalem.

All such Israeli settlement policies and practices are being carried out in flagrant and grave violation of international law, particularly the Fourth Geneva Convention. This fact was recently confirmed by the justices of the International Court of Justice in the Advisory Opinion of 9 July 2004, which determined, inter alia, that the Israeli settlements have been established in breach of international law. Indeed, article 49 of the Fourth Geneva Convention, the applicability of which has been reaffirmed by the Security Council in 27 resolutions and by the International Court of Justice as well, unambiguously stipulates that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Moreover, article 85 (4) of Protocol I Additional to the Geneva Conventions regards the transfer by the occupying Power of parts of its own civilian population into the territory that it occupies as a grave breach, and article 8 (b) (viii) of the Rome Statute of the International Criminal Court considers it to be a war crime.

Yet, throughout its 37-year occupation of the Palestinian land, Israel has ignored and violated international law by all means and methods, including by deliberately and relentlessly carrying out its colonial settlement campaign. This unlawful Israeli colonization has involved the confiscation of thousands upon thousands of dunums of Palestinian land, the building of more than 150 settlements, the building of a vast and intricate network of bypass roads for exclusive use by the illegal armed Israeli settlers, the establishment of more than 100 settler "outposts" and the transfer of more than 430,000 settlers to the Occupied Palestinian Territory, including East Jerusalem.

As mentioned in my previous letters, and as concluded by the International Court of Justice, the unlawful construction of the Wall by Israel, the occupying Power, is intricately related to this unlawful colonial settlement campaign in the Occupied Palestinian Territory, including East Jerusalem. Indeed, the Wall is part and parcel of Israel's settlement campaign, which is aimed at the colonization and de facto annexation of the Palestinian land. These illegal practices are preventing the realization of the inalienable national rights of the Palestinian people, including their right to self-determination in their independent State of Palestine. Moreover, such illegal policies and practices violate the Road Map, which specifically calls upon Israel, consistent with the Mitchell Report, to freeze all settlement activity, including natural growth of settlements, in addition to the immediate dismantlement of settlement outposts erected since March 2001. In fact, Israel's settlement activities actually negate the essence of the Road Map and seriously undermine the potential for any peace settlement.

It is the height of hypocrisy for any party, especially a member of the Quartet, to condone such policies and at the same time claim adherence to the Road Map. In this regard, reports of acquiescence by the United States administration for the expansion and building of more settlement units are extremely disturbing. The members of the Quartet are called upon to make their position clear by either reiterating the demand for the complete and immediate cessation of all such Israeli policies and practices or by confronting the reality of Israel's blatant refusal to uphold its commitments under the Road Map and to adhere to international law. Providing cover for illegal Israeli activities that effectively destroy the Road Map is

not a sustainable strategy. It is time to face the truth about this deplorable situation and come up with real solutions. Pretending there is a peace process and a Road Map, while Israel simultaneously carries out actions on the ground to ensure they never come to fruition, makes a mockery of these peace initiatives and all who support them. A clear position, based on international law and Security Council resolutions and consistent with the Advisory Opinion of the International Court of Justice, is imperative for any prospect for peace to be salvaged.

In this regard, all Israeli settlement activities and its construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, must be condemned and firmly opposed by the international community. The cessation of these unlawful policies and practices would clearly be instrumental, and are in fact necessary, with regard to the efforts to resume peace negotiations between the two sides towards a final settlement of this protracted and tragic conflict. Thus, the international community must reiterate its call upon Israel, the occupying Power, to abide by all of its legal obligations under international law, including international humanitarian law and human rights law, and must act decisively in case of continued non-compliance.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 84, 38, 37, 103, 116 and 24, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2004/679

Security Council

Distr.: General
25 August 2004

Original: English

Letter dated 23 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

In accordance with paragraph 8 of Security Council resolution 1526 (2004), I have the honour to transmit herewith the first report of the Analytical Support and Sanctions Monitoring Team established pursuant to that resolution.

I should be grateful if the attached report could be brought to the attention of the Council members and issued as a Security Council document as soon as possible.

(*Signed*) Heraldo **Muñoz**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Annex

Letter dated 31 July 2004 from the Coordinator of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) addressed to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

The Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004) concerning Al-Qaida and the Taliban and associated individuals and entities, has the honour to transmit to you its first report in accordance with paragraph 8 of that resolution.

(*Signed*) Richard **Barrett**
Coordinator

First report of the Analytical Support and Sanctions Monitoring Team appointed pursuant to resolution 1526 (2004) concerning Al-Qaida and the Taliban and associated individuals and entities

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I. Summary

1. Five years after the Security Council adopted resolution 1267 (1999), the first that dealt with the Taliban and Al-Qaida, the threat from Al-Qaida-related terrorism remains as great as ever. But the nature of the threat has changed. The Taliban have been removed from power and the Al-Qaida leadership is dispersed. But if the leadership is less able to direct, plan and execute attacks, they have many supporters who are eager to do so. These terrorists form groups that do not wait for orders from above but launch attacks when they are ready, against targets of their own choosing. Using minimal resources and exploiting worldwide publicity, they have managed to create an international sense of crisis.

2. Al-Qaida has evolved to become a global network of groups unbound by any organizational structure but held together by a set of overlapping goals. The leaders of these groups have tried to hijack and distort the basic Muslim duty of Jihad to justify terrorist campaigns against both Muslim and non-Muslim States. Perceived injustices and images of violent confrontation have ensured a steady flow of new supporters.

3. The attacks of 11 September 2001 provided indelible images of the potential consequences of a terrorist attack and led many nations to reappraise aspects of their domestic and foreign policies, and to divert major resources to counter terrorist activity. Other States had already suffered attacks from terrorist groups and had made these adjustments much earlier. The Security Council was also already engaged, but after September 2001 it reflected a greater unity of purpose within the international community, and wider agreement on the need for action.

4. The Security Council has taken a dual approach. It has demanded that States take action against terrorists associated with Al-Qaida through a targeted sanctions regime, and it has established mechanisms to help those States that find it difficult to do so. But Security Council sanctions aimed at curbing the Taliban and Al-Qaida terrorism have achieved less than was hoped. This is partly because they address a set of circumstances that no longer apply; and partly because effective sanctions are hard to design, let alone impose, against the form of Al-Qaida associated terrorism that exists today. The sanctions measures need refining to address the ways the threat has changed.

5. In the absence of an internationally agreed definition of terrorism, Security Council sanctions against the Taliban, Al-Qaida and their associates apply to a List of designated individuals, groups and entities. To be effective, this List should reflect international agreement on which groups and individuals pose the greatest danger. For several reasons, this List has begun to lose credibility and operational value and now needs updating in terms of its relevance and accuracy.

6. While the sanctions against the financing of terrorism have had some effect, and some millions of dollars of assets have been frozen, there is scope to update them based on how Al-Qaida now raises and transfers its money. There is a similar need to improve the travel ban and the arms embargo to reflect current Al-Qaida methodology.

7. In addition the Security Council may wish to consider new measures to enhance international cooperation and to support national efforts. The Analytical Support and Monitoring Team set up to assist the 1267 Committee of the Security

Council has proposals for the improvement of the current measures, and ideas from which new ones might be formulated. It believes it can generate wider support for the List by the introduction of technical improvements and the submission of new names. It also believes it can encourage closer operational cooperation between States to make the international environment still more inhospitable to Al-Qaida-related terrorism.

II. Background

8. In October 1999 the Security Council decided that the threat from Al-Qaida was of sufficient global importance to merit an international response. Accustomed to dealing with States, the Council decided to confront Al-Qaida by denying it the infrastructural support provided by its Taliban hosts. Accordingly it adopted resolution 1267 (1999), by which, inter alia, it introduced a freeze on Taliban financial resources and established a Security Council Committee (the 1267 Committee) to monitor the implementation and effectiveness of the measures imposed.

9. Further attacks claimed by Al-Qaida, and the impunity with which its leaders and supporters continued to live, train and plan operations in Afghanistan, led the Security Council, in December 2000, to adopt resolution 1333 (2000), by which it imposed an arms embargo on the Taliban and a travel ban on its senior officials. It also imposed a freeze on the financial assets of Osama bin Laden and individuals and entities associated with him, as designated by a list maintained by the 1267 Committee.

10. The attacks on the United States of 11 September 2001 strengthened Security Council determination to deal with terrorism. Resolution 1373 (2001) was adopted later that month, by which the Council established the Counter-Terrorism Committee and imposed a binding obligation on States to criminalize the provision of financial and other assistance to all terrorists and their supporters, and sought to increase the capability of States to deal with terrorism, as well as to promote cooperation between them. Subsequently, by resolution 1390 (2002) of January 2002, it extended the financial measures and broadened the travel ban and arms embargo. States were urged to strengthen their laws and procedures to prevent and punish violations of the measures and were requested to report on the steps taken to implement them. By resolution 1455 (2003) it further urged States to report progress, and enhanced the monitoring role of the 1267 Committee.

11. But the attacks continued and the Security Council believed that States could do still more to prevent them. By resolution 1526 (2004), of January 2004, the Security Council further refined the financial measures, travel ban and arms embargo imposed on all those on the 1267 Committee's Consolidated List. It also sought to improve the List. In addition to further strengthening the mandate of the 1267 Committee, the Council established an Analytical Support and Sanctions Monitoring Team (the Monitoring Team) to report at defined intervals on the implementation of the measures by States and to recommend further action for consideration by the Security Council. This is the first such report.

III. The threat from Al-Qaida

12. Despite international efforts, the threat from Al-Qaida terrorism remains as real today as it has been at any time since October 1999. Statements by Osama bin Laden and others on behalf of Al-Qaida demonstrate that their main objective is to bring about political and social change in the Muslim world. They seek to establish a particular form of theocratic government based on a strict application of their own interpretation of Sharia. They distort the teachings of the holy religion of Islam and promise those who adopt their extremist ideology, and violent methodology, a return to a time when the Islamic world was both more powerful and more pure.

13. Attacks on Western targets are designed to serve this purpose; to force the withdrawal of the West from the Islamic world, both to weaken governments that Al-Qaida regards as corrupt and seeks to overthrow, and to remove what they see as a polluting influence. Al-Qaida wishes to promote the idea that Islam and the West are now at war, and that Al-Qaida and its supporters are the true defenders of the faith. This message touches a wound felt by a large number of Muslims in all areas of the world. It appeals to a widespread sense of resentment and helplessness in the face of the West's political and economic hegemony that many believe is intrinsically and determinedly inimical to their interests. Al-Qaida's ability to strike the enemy and survive, despite the disparity in resources, taps into an ill-articulated desire for revenge and gains both recruits and donations.

14. Al-Qaida is currently a global network rather than an organization with a structure and hierarchy. In its early days it was well organized and had a formal membership in that individuals, often on behalf of a group they led, offered allegiance to Osama bin Laden; but it is unlikely that this membership ever totalled more than a few hundred. Al-Qaida's structure provided coordination and support for groups of fighters with certain objectives in common, and supplied troops for the Taliban. Membership of these groups was almost invariably determined by ethnic origin. Very few individuals have been enrolled to conduct terrorist operations under central Al-Qaida control, and although the leadership was at one time directly involved in terrorist operations, and was ready to discuss operational plans with its supporters and to offer them financial support, increasingly it withdrew from direct supervision and merely encouraged whatever activity promoted its objectives.

15. Before 2001, associated groups might nonetheless have sought central approval before launching an attack. But the ability of Al-Qaida to direct a global campaign of terror was considerably reduced once the Taliban were ousted from power in Afghanistan and the Al-Qaida leadership was forced to disperse. Increasingly, those who sought approval were told just to do what they could when they could. Recent evidence suggests that the key leadership is too preoccupied with its own immediate problems of survival to offer more than general guidance.

16. This is not to say that the Al-Qaida leadership does not retain the intention to organize further spectacular attacks, or that it will be unable to recover the capability to do so if it is able to regroup. The leadership, through its statements, still offers strategic direction even though it leaves tactical decision-making to its supporters. Sophisticated use of the media ensures that Al-Qaida is able to preserve a clear ideological core, and that Osama bin Laden retains his position as an inspirational leader, hovering somewhere between myth and reality.

17. The Al-Qaida inspiration is both practical and religious. Any group that shares its political objectives and religious beliefs, and has the necessary initiative, resources and determination, can mount attacks in its name, using similar methodology. It is now popular to refer to "franchise" or "start-up" operations whereby groups with little or no direct contact with the central leadership can become affiliates.

18. The group responsible for bombing commuter trains in and approaching Atocha Station in Madrid on 11 March 2004 provides an example of this. A statement by Osama bin Laden in October 2003 had identified Spain as a target for attack and this seems to have inspired those responsible. But the Spanish authorities say they have discovered no clear evidence of any organizational link between the group and the Al-Qaida leadership. As a further indication of how the threat has evolved, these attacks were carried out by people who were relatively well established and integrated within their community, and were not considered by the Spanish authorities to pose an imminent threat. None had been to Afghanistan.

19. Although Al-Qaida statements continue to encourage attacks against Western targets, there has been a marked increase in attacks against local targets in Muslim countries, most notably in Saudi Arabia. Saudi Arabia has been a focus for Al-Qaida from the start but now appears to have become an operational front line with determined terrorists pitched against equally determined security forces. Terrorist attacks there are designed to disrupt the economy and destabilize the State so as to create a sense of anarchy and general discontent leading to widespread insurgency and the overthrow of the government.

20. While attacking Saudi Arabia represents an immediate Al-Qaida objective, other States in the Arabian Peninsula and beyond are also vulnerable. As there is no Muslim State that aims to introduce the sort of government that the Al-Qaida leadership would endorse, all are potential targets. The number of North Africans involved with, or supporting Al-Qaida-related terrorism, puts those countries at particular risk.

21. Currently Iraq also provides a focus for Al-Qaida activity and propaganda. To those ready to believe it, the coalition presence there appears to confirm much of what Osama bin Laden has predicted about the ambitions of the West. Although there is no good evidence to suggest that Osama bin Laden and the Al-Qaida leadership have any direct involvement in Iraq, nor any operational control of groups operating there, attacks in Iraq by supporters of Al-Qaida not only contribute to Al-Qaida objectives, but the publicity surrounding them encourages others elsewhere to mount attacks. For example, although Iraq has provided an attractive alternative to fighters who might otherwise have gone to Afghanistan, the Afghan authorities note a correlation between the levels of activity in Iraq and the number of attacks in their own country.

22. Afghanistan was an important base for Al-Qaida before the Taliban were removed from power in November 2001. Authorities in both Afghanistan and Pakistan believe that the Taliban and Al-Qaida leaderships are still closely allied, but what evidence is available does not suggest much mutual support beyond assistance with local needs. Despite some financial help, the Afghan authorities see no evidence of direct Al-Qaida involvement in Taliban operations. Although the Afghan Government believes that many younger Taliban now question the determinedly anti-progress policy of their leaders, and have begun to withdraw their

support, the Taliban remain a real threat to the reconstruction and stability of the country and their containment remains an important objective. Should the Taliban establish firm control over areas of the country, it is highly likely that they would once more offer Al-Qaida a safe haven from which to mount terrorist operations.

23. Although Al-Qaida may no longer enjoy a fixed base from which to direct its attacks, its ability to inspire acts of terror throughout the world seems limited only by the appeal of its message. Not only is the Al-Qaida leadership highly adept at the use of the media to advertise and reinforce its presence, it is also expert at exploiting modern technology and the global connectivity offered by the Internet. Apart from allowing fast and secure communication for terrorist planning, the Internet enables Al-Qaida to transmit its message to all corners of the world. This message, playing to a strong sense of injustice in the Muslim world, argues that it is the duty of every Muslim to join the battle being waged against the enemies of Islam. While it is mainly younger men who answer the call, it is striking that the appeal is equally powerful regardless of education, social background or wealth.

24. While individuals such as Osama bin Laden have a symbolic value and strong inspirational image, the survival of Al-Qaida no longer depends on its core leadership. While international action against the senior Taliban proved possible and effective, even without Osama bin Laden and the rest of the best-known Al-Qaida leaders, the threat would remain. The relevance of the Taliban was that they provided Al-Qaida in Afghanistan with the means and space to flourish. But Al-Qaida has been able to take root wherever favourable conditions exist; it will inevitably colonize States where central government tolerates its presence, or where central government is weak. Failed and failing States provide ideally fertile ground for the Al-Qaida inspiration to take hold, and will equally attract outsiders who seek a safe base from which to mount operations.

25. There is no prospect of an early end to attacks from Al-Qaida-associated terrorists. They will continue to attack targets in both Muslim and non-Muslim States, choosing them according to the resources they have available and the opportunities that occur. While they will look for ways to attack high profile targets, soft targets will be equally vulnerable.

IV. The response

26. Effective action against Al-Qaida requires the international community to act in concert, both in its appreciation of the threat and in its willingness to combat it. As a global phenomenon, Al-Qaida demands a global response, and the Security Council, given its responsibility for the maintenance of peace and security, has taken a leading role in the international arena by imposing a sanctions regime against its members and associates. The sanctions regime established under the 1267 Committee of the Security Council has aimed to promote a climate in which Al-Qaida will have difficulty raising, accessing and moving money, purchasing arms and crossing international borders. Its effectiveness depends on the real and sustained support of all Member States.

A. Implementation of the sanctions

27. In order to measure the support given to the fight against the Taliban and Al-Qaida-related terrorism, and to encourage a continued commitment, Member States were required by resolutions 1390 (2002) and 1455 (2003) to report on their implementation of the sanctions regime. The reporting process was not intended as an end in itself, but designed to reveal the legal and administrative measures taken to implement the sanctions, as well as to report investigations, frozen assets and other enforcement action directed against the individuals and entities named on the Consolidated List. The reports submitted by Member States are currently the only indicator of their compliance with the resolutions.

28. As of late July 2004, 130 Member States had submitted reports pursuant to paragraph 6 of resolution 1455 (2003). While many States reported action taken against Al-Qaida, few offered specific details, or referred directly to those named on the Consolidated List maintained by the 1267 Committee. Although the true number of countries where Al-Qaida has a presence is most certainly higher, just 19 States recorded the presence of any individual or entity associated with Al-Qaida inside their borders.

29. Thirty-four Member States have reported freezing assets under the financial and economic assets sanctions imposed by the Security Council, though in some cases it has been hard to tell what this means.[1] It is not clear from all reports of asset freezing, for example, what those assets are, their value, or who owns them. There are also inconsistencies between what some States have reported to the 1267 Committee and what they have reported to the Counter-Terrorism Committee. No State has reported stopping anyone on the 1267 Committee Consolidated List from travelling, or reported taking action against them in respect of the arms embargo.

30. Judging by the reports from Member States, and the continuing levels of Al-Qaida activity, it would appear that the sanctions regime imposed by the Security Council has had a limited impact. There appear to be several reasons for this, the most important being that the Security Council has, inevitably, reacted to events, while Al-Qaida has shown great flexibility and adaptability in staying ahead of them. The structure of Al-Qaida has evolved from its original form as an office offering support to fighters in Afghanistan, through its role as an initiator and sponsor of terrorism from an established base, to its current manifestation as a loose network of affiliated underground groups with certain goals in common. It will always be difficult to design, let alone enforce, sanctions against diverse groups of individuals who are not in one location, who can adopt different identities, and who need no special equipment to launch their attacks.

31. This may have led some Member States to question the efficacy and relevance of the sanctions. They may have found it easier in the circumstances to incorporate the sanctions regime into their national legislation than to ensure its effective implementation on the ground. Countries with weak financial controls, or long porous borders, may regard the measures imposed by the Security Council as too difficult to enforce and of secondary importance to other counter-terrorism activity within their jurisdiction.

[1] The annex provides a table based on information contained in the reports submitted by Member States, excluding four that were marked confidential.

32. In consultation with Member States, the Monitoring Team will recommend to the 1267 Committee better ways to judge the effectiveness of Member States' implementation of the sanctions regime, and its impact.

B. Consolidated List

33. In addition to the common problems associated with a sanctions regime against non-State actors, the Security Council has faced the further problem of seeking action against individuals whose full identity and whereabouts are uncertain. Much has depended on States submitting the names of Al-Qaida and Taliban associated individuals and entities for inclusion in the Consolidated List maintained by the 1267 Committee. The List is key to making the sanctions effective and most Member States consider the appropriate circulation of the List as the most important first step in implementing the measures imposed by the Security Council.

34. Both the impact and the credibility of the Security Council's work against Al-Qaida and the Taliban depend on the content and utility of the List. In paragraph 16 of resolution 1526 (2004) the Council "Reiterates to all States the importance of proposing to the Committee the names of members of the Al-Qaida organization and the Taliban or associated with Osama bin Laden and other individuals, groups, undertakings and entities associated with them for inclusion in the Committee's list, unless to do so would compromise investigations or enforcement actions". So far 21 States have submitted names for inclusion on the List, which currently comprises 143 individuals and one entity associated with the Taliban, and 174 individuals and 111 entities associated with Al-Qaida. The number of contributors to the List suggests that many States are reluctant to provide names. Issues of due process may be holding some States back, as may concerns over the definition of Taliban and Al-Qaida. In addition, the List has had to avoid accusations of political point scoring, and of subjectivity to any particular agenda.

35. The List, however, can only be truly useful if it achieves international acceptance as a register of the key components of the Al-Qaida network. In the absence of an agreed definition of terrorism, the Consolidated List provides the only consensus on what Al-Qaida comprises. As Al-Qaida changes, so too should the List. It should reflect the views of a wider range of States on which individuals and groups present the most immediate threat. The addition of new names, subject to the agreement of the 1267 Committee, would update international awareness of the nature of the threat, and add momentum to international efforts to combat it.

36. Almost all States have lists of people and groups subject to investigation as potentially or actually involved in terrorism. Though clearly they may not wish to make all these names public, some States have recently agreed to consider submitting new names for inclusion on the List, and the Monitoring Team recommends that others follow suit. This will not only make the List a more efficient tool in the fight against terrorism, but also make it more relevant to a wider perception of the current threat.

37. Apart from its relevance, a further key factor governing the utility of the List is its accuracy. Several States have drawn the Monitoring Team's attention to technical and practical problems with the List. Many entries lack basic identifiers, such as date of birth, nationality and passport information, which makes enforcement action virtually impossible. Several States have also noted inconsistencies and inaccuracies

in the spelling and transliteration of names, and seek a standard approach. If immigration officials are required to make multiple checks for each entry, this will affect their efficiency and increase the scope for error.

38. In March 2003, the 1267 Committee issued a reformatted version of the List to provide identifying information on the designated individuals and entities in a more systematic manner. In addition to reclassifying information in a more consistent way, names were presented in the order they appeared in the passports of the targeted individuals. To encourage the widest possible distribution of the List, updated versions were also posted on the Committee's web site, with explanatory information available in all six official languages of the United Nations.

39. The Monitoring Team sees a need for further technical correction to about one third of all entries, and will submit recommendations to the 1267 Committee. In addition, it will recommend that, where names are too vague to allow effective application of the sanctions, they should be removed from the List until sufficient detail is available.

40. In paragraph 17 of resolution 1526 (2004) the Council "Calls upon all States, when submitting new names to the Committee's list, to include identifying information and background information, to the greatest extent possible, that demonstrates the individual(s)' and/or entity(ies)' association with Osama bin Laden or with members of the Al-Qaida organization and/or the Taliban, in line with the Committee's guidelines". In consultation with the Committee and the Secretariat, the Monitoring Team has therefore sent letters to the 80 Member States that have either submitted names or have some connection to them, such as nationality, requesting that they examine the entries for accuracy and completeness. The Team believes that several entries could be updated. The Monitoring Team also plans to consider how a Member State other than the designating State might submit updating information and how this could be processed by the Committee.

41. A further issue that needs resolution is the procedure by which a name may be removed from the List, whether by a listing State, or as a result of appeal by the individual or entity concerned. Subject to the agreement of the Committee, the Monitoring Team plans to examine current de-listing procedures, especially concerning appeals against listing submitted by individuals or entities that have difficulty in doing so through their governments.[2] This issue is allied to the more general issue of due process.

42. The Monitoring Team would not recommend automatic de-listing but, to preserve the credibility of the List, there should be a way to remove the names of dead persons as soon as circumstances allow. The Team also recommends that there should be an agreed process whereby Member States notify the 1267 Committee when someone on the List is detained, and share internationally any useful information that results from their investigation.

43. In paragraph 19 of resolution 1526 (2004) the Council stipulates that the Secretariat should supply Member States with an updated copy of the List every three months. Some Member States have asked the Team if the Secretariat could circulate just the changes without sending the entire List so that they need not translate it in full each time they receive it. The Monitoring Team recommends this

[2] Since the inception of the list only 4 individuals and 11 entities have been de-listed.

course of action and will discuss with the Committee how it might offer further advice and assistance on the addition and removal of names.

44. The Monitoring Team will continue to discuss the utility of the List with Member States. The Team recommends that national authorities ensure that security and intelligence agencies are aware of the List and its purpose, as well as those with responsibility for the enforcement of the sanctions. The Team will also seek further suggestions as to how entries might be standardized and the general format of the list improved. The Monitoring Team will also look at the sections of the Committee's guidelines that are relevant to the List, and recommend revisions if appropriate.

C. Financial issues

45. Al-Qaida operations are not characterized by high cost. Only the sophisticated attacks of 11 September 2001 required significant funding of over six figures. Other Al-Qaida terrorist operations have been far less expensive. The simultaneous truck bombings of the United States embassies in Kenya and the United Republic of Tanzania in August 1998 are estimated to have cost less than $50,000; the October 2000 attack on the USS *Cole* in Aden less than $10,000; the Bali bombings in October 2002 less than $50,000; the 2003 bombing of the Marriott Hotel in Jakarta about $30,000; the November 2003 attacks in Istanbul less than $40,000; and the March 2004 attacks in Madrid about $10,000. While the centre may have provided some of this money, much of it will have been collected locally, whether through crime, or diverted from charitable donations.

46. As a result of national and international action, Al-Qaida's funding has decreased significantly. But so too has its need for money. The number of people in camps under Al-Qaida control is now far less, and Al-Qaida no longer pays the $10-20 million annually that it gave to its Taliban hosts. The only evidence of current payments to the Taliban available to the Afghan authorities is the $200 per month paid to the families of Guantanamo detainees.

47. But Al-Qaida will still need to raise and move money and, as the identities of Al-Qaida facilitators become known, the new and improved regulations will enable the appropriate authorities better to track their contacts and trace the sources and destinations of their funds. According to the reports submitted by Member States under resolution 1455 (2003), a legal basis for freezing assets related to Al-Qaida, the Taliban and associated groups and entities now exists in all but three Member States.

48. The Monitoring Team is concerned though that many States have merely amended anti-money-laundering legislation to cover terrorist crime as well. As terrorist-related financial transactions generally take place before the crime occurs, States may encounter problems when applying to terrorist financiers measures designed essentially to deal with the proceeds of crime. The Monitoring Team will look further at this issue.

49. The current focus of the international community on countering terrorist financing through the formal banking system has successfully led to the identification of individuals collecting or moving funds on behalf of suspected terrorists. These successes will encourage Al-Qaida and its associates to seek

alternative means to raise and move their assets in ways that are less open to scrutiny, adapting their methods to suit local circumstances. For example, Al-Qaida may exploit the well-established trade in counterfeit currency in Somalia, just as they exploit the potential for credit card fraud in Western Europe and the Asia/Pacific region, and appear to benefit in some part from the drug trade in Afghanistan and North Africa. It is important that officials working on regulation are in close contact with officials investigating Al-Qaida methodology on the ground.

50. There are some 32 international and regional organizations working to establish standards and agree policies to combat terrorist financing. At present, the most comprehensive regulatory regimes are those in greatest compliance with standards set by the Financial Action Task Force (FATF) 40 recommendations on Anti-Money-Laundering and eight special recommendations on Counter-Terrorist Financing. However, FATF does not attract universal support and cannot by itself achieve a properly supervised global regime for the financial sector. International financial regulation to combat terrorism is only as strong as its weakest link and there remain gaps in the universal application of recognized standards. Work should continue on achieving full acceptance.

51. Over 90 States have set up Financial Intelligence Units and in many cases these have assisted national efforts to identify Al-Qaida finances. Financial Intelligence Units analyse Suspicious Transaction Reports submitted by banks and other entities as part of national efforts against money-laundering and counter-terrorist financing. These units can play an important role in linking the work of the regulatory authorities with the work of the agencies investigating terrorism at the front line. They can also assist in ensuring that bankers dealing with financial transfers know what activity to look out for.

52. The Monitoring Team will also recommend to the Committee that Member States should circulate the Consolidated List beyond their banks to non-bank financial institutions and to any non-financial entities[3] where assets might be held.

53. With the help of Member States, the Monitoring Team will study how Al-Qaida is now raising, holding and moving money in order to identify ways in which the financial measures might be made more effective. It will seek to identify ways in which investigating bodies can pass to the relevant regulatory authorities new information on Al-Qaida associated terrorist financing as early as possible. The Monitoring Team will also continue its engagement with other international organizations dealing with terrorist financing with a view to making recommendations to the 1267 Committee for possible further measures.

(a) Alternative remittance systems

54. Alternative remittance systems such as *hawala* are used extensively all over the world and provide a quick and cheap way to transfer money. There is a clear potential for their abuse by Al-Qaida-associated terrorists but few States have

[3] Non-bank financial institutions typically cover companies such as insurance, pensions, leasing, securities brokers, mortgage providers, financial advisory, credit unions, credit card providers, etc. Non-financial entities include accountants in practice, attorneys, trust administrations, business registration offices, tax authorities, automobile dealers, dealers in antiques and artwork, dealers in precious commodities, real estate agents, and travel agents.

reported action to regulate them. Some States require businesses that offer informal banking services to obtain a licence, the requirements for which often include obligatory record-keeping and the identification and reporting of suspicious transactions. But there are real difficulties in enforcing regulation of these alternative systems, or even in keeping track of their existence.

55. The vast majority of *hawala* transactions are, of course, legitimate, and the service provides an essential means to remit money at modest cost. Where official banking systems do not exist, or charge rates that are unattractive, quicker and cheaper alternatives will always emerge. In a recent report[4] the World Bank recorded that there were between 500 and 2,000 unregistered money exchange dealers in Afghanistan alone, conducting money transfers between Kabul, Peshawar, Dubai and London. The report also noted that international and domestic non-governmental organizations, donors and development agencies were using *hawala* to deliver humanitarian relief and development aid in and around Afghanistan and that single transactions in excess of $500,000 were not uncommon, especially between Kabul and Peshawar.

56. Unregulated systems such as *hawala* have long been attractive to those who wish to keep their financial dealings away from the close scrutiny of the authorities, and regulators must avoid causing the creation of new informal systems that are even less easy to detect. The Monitoring Team will look at this issue further, but believes that States should seek ways to increase their oversight of these transactions and raise the awareness of the owners of such businesses of the potential for abuse by terrorists.

(b) Cash couriers

57. The apparent increase in Al-Qaida use of cash couriers led the Security Council in paragraph 5 of resolution 1526 (2004) to urge all States and encourage regional organizations, as appropriate, to establish internal reporting requirements and procedures on the trans-border movement of currency. Initial research by the Monitoring Team on this issue has shown that although many States have regulations governing the trans-border movement of currency by individuals, there is no universal standard on the amounts to be declared. Some have different requirements governing residents and non-residents, and distinctions between local and foreign currencies. In some areas, where it is common for most transactions to be conducted in cash, the movement of relatively large amounts is not remarkable and attracts little scrutiny.

58. The Monitoring Team will consult appropriate national and international bodies to assess the extent to which Al-Qaida associated terrorist groups use cash couriers, and recommend ways to make this method of transferring money less attractive. This may require a legal and regulatory framework, mechanisms to share information internationally to enable passenger targeting, and enhanced capabilities at borders.

(c) Charities and other non-profit organizations

59. Al-Qaida's exploitation of charities and other non-profit-organizations as a way to raise and move money has led some States to introduce licensing and better

[4] The Financial Sector in Afghanistan, Managing the Post-conflict Reform Process issues in 2004.

regulation of these bodies, such as by requiring complete records of activity, full reporting of the dispersal of assets and the independent audit of accounts. Several States have enacted legislation to prevent the abuse of charities, some have restricted the automatic granting of charitable status, and others have closed down charities that were being exploited by terrorist groups.

60. Among States that have taken action against the abuse of charities, or plan to do so, are Egypt, the Libyan Arab Jamahiriya, Pakistan, Saudi Arabia and the United Kingdom. The Monitoring Team will consult these and other States and make recommendations based on their experience. It will in particular aim to identify ways to curb the exploitation of charities that do not impede their humanitarian operations.

D. Arms embargo

61. An arms embargo is a traditional tool employed by the Security Council in seeking to maintain international peace and security. The Al-Qaida/Taliban arms embargo, initially established to curtail support for the Taliban, was refocused following the fall of their regime on the acquisition and the use of weapons and explosives by Al-Qaida. The measures were also intended to provide a legal basis for those countries that had not enacted legislation governing the control of arms and explosives and to establish some common standards. Such legislation would reduce arms trafficking as well as establish a judicial basis for future proceedings against members and associates of Al-Qaida.

62. From their reports, it appears that most Member States believe that they have achieved effective implementation of the arms embargo by incorporating the measures into existing legislation. But most Al-Qaida-related terrorist attacks have involved arms and explosives not covered by the measures. One of the hallmarks of Al-Qaida is the simplicity of its methodology, whether through the use of conventional means of transport as bombs, or of readily available items as weapons. The Madrid bombers did not use military products, but mining explosives, and cell phones as detonators. The attackers of a residential compound in Khobar, Saudi Arabia, in May 2004, used small arms and knives.

63. The difficulty of ensuring an effective arms embargo on Al-Qaida is self-evident. But Member States can restrict the scale of Al-Qaida-associated terrorism by impeding their access to larger weapons systems, and restricting their ability to construct non-conventional bombs designed to cause mass casualties. There is evidence that Al-Qaida remains interested in acquiring the means to construct bombs that would disperse a chemical, biological or radiological pollutant, and the threat to use such a device was repeated, albeit obliquely, in a communiqué from the Abu Hafs Brigade, an Al-Qaida offshoot, on 1 July 2004.

64. To do so, Al-Qaida must acquire both specialist materials and the necessary expertise to use them, particularly in the case of a radiological device. Al-Qaida-related groups have tried at least twice to buy the basic ingredients for a dirty bomb and a good deal of the necessary technical knowledge is available on the Internet. There is a real need therefore to try to design effective measures against this threat.

65. The Monitoring Team proposes to look at this problem in conjunction with other international bodies. It will draw on existing analysis of the availability of components for unconventional types of weapons, and the expertise needed to construct them, to see what recommendations it might make to reduce the threat of Al-Qaida terrorists launching such an attack. It will look at national requirements to register the sale or purchase of materials from which Al-Qaida might construct large explosive devices to see what scope there might be for an international regime. The Monitoring Team intends to follow closely the work of the Committee established by Security Council resolution 1540 (2004) and will explore potential areas for cooperation.

66. The Monitoring Team will also recommend adding to the Consolidated List the names of individuals and groups found to be supplying Al-Qaida-associated terrorists with material or expertise to construct weapons designed to cause mass casualties.

E. Travel ban

67. The travel ban imposed by resolution 1333 (2000) and enhanced by resolution 1390 (2002) has targeted the individuals named on the 1267 Committee's Consolidated List. Unfortunately, the lack of detail in many entries on the List makes it difficult for border officials to be certain that any specific traveller is subject to the ban, even supposing that he is travelling in his true identity. These difficulties may have undermined the determination of some Member States effectively to incorporate the List into their border controls.

68. In view of the Taliban and Al-Qaida's proven ability to adapt and to evade the measures imposed by the Security Council, and considering the porous nature of most borders, it is not surprising that the implementation of the travel ban has appeared to have little or no effect on their activities. The ability of the terrorists to acquire identity documents, and to avoid border controls, exceeds the capability of Member States in many regions of the world to impose effective restrictions. In one Western European country a group of Al-Qaida-associated terrorists is well known to other groups to be able to supply false passports in almost any nationality for less than $500. Similar groups with an ability to forge identity documents at low cost exist in many other areas of the world.

69. Long porous borders present their own problems. But the absence of effective visa regimes in some areas of the world, and the lack of modern technical equipment in consular offices and at border control points where they do exist, have also undermined the travel ban. While there is no credible evidence that Al-Qaida-associated terrorists seek help from people smugglers, the extent of human trafficking demonstrates the current looseness of border controls.

70. The Monitoring Team notes the need for better distribution internationally of information on stolen or lost travel documents, and for the introduction of border control systems linked to databases that make the use of forged documents more difficult. Ultimately, there should be an extensive international database of forensic information on Al-Qaida-associated terrorists to include DNA and fingerprints to help States uncover the real identity of suspects stopped at borders.

71. Member States may also be unsure of what they should do if they stop a listed individual at a port of entry. The resolution gives no precise instructions on this and the Monitoring Team recommends that the 1267 Committee provide guidance to Member States. The Committee may like to consider whether the Security Council should require Member States to detain and prosecute such individuals, or invite the listing State to initiate extradition proceedings.

72. With the help of national authorities, the Monitoring Team will analyse how and where Al-Qaida and its associates are moving across borders and draw up recommendations for further consideration by the Committee. In conjunction with the Counter-Terrorism Committee Executive Directorate, it will identify which States are most in need of assistance in enhancing their border controls, and which States are most advanced in designing them. It will also consider recommending that those who facilitate terrorist travel should be added to the Consolidated List as associates of Al-Qaida.

V. Monitoring Team activity

73. The Monitoring Team has been guided in the first months of its work by the need to address the priority tasks listed in resolution 1526 (2004) and its annex.

A. Support for the 1267 Committee

74. In the work plan it submitted to the 1267 Committee in April 2004, the Monitoring Team committed itself to support the Committee in promoting the effective implementation of the sanctions measures, recommending ways to make those measures more effective, and suggesting new measures for the Security Council to consider by the end of its mandate in 2005. The Monitoring Team also agreed to keep the Committee closely informed of its work, its findings and its proposals on a regular basis. In this respect, the Monitoring Team has attended the meetings of the 1267 Committee whenever invited, and has briefed its members on its activities.

75. The Monitoring Team will also help the Committee to prepare for the Security Council a written assessment of all reports submitted by States pursuant to resolution 1455 (2003), commenting on the quality of the reports, the nature of the information they contain and the value of the exercise, in order to make recommendations for the future and to help identify where States might do more to support the international effort against the Taliban and Al-Qaida.

76. The Monitoring Team has provided support to the Chairman of the 1267 Committee in relation to his consultative visits to a number of Member States. A member of the Monitoring Team accompanied the Chairman on his trip to Algeria, Tunisia, Spain and Senegal from 1 to 8 May 2004, and provided briefing notes, talking points and other assistance for his meetings. The Chairman acknowledged the value of this support at the 4976th meeting of the Security Council on 25 May 2004, and the Team looks forward to providing further, similar support in advance of future trips.

B. Analysis of non-reporting States

77. At the request of the 1267 Committee and pursuant to paragraph 23 of resolution 1526 (2004), the Monitoring Team provided an analysis of why 65 Member States had failed to report as requested under resolution 1455 (2003) by the extended deadline of 31 March 2004. It should be noted that some of these States had also failed to submit a report on their implementation of the sanctions measures as requested by resolution 1390 (2002).

78. In preparing its analysis, the Monitoring Team observed several common trends. First, the Monitoring Team found that the lack of a report from a State did not necessarily denote any lack of will to produce one or, more importantly, any lack of commitment to the international effort against Al-Qaida and the Taliban. Secondly, an important reason for non-reporting has been the complexity and volume of reports required from Member States which clearly lack the capacity to produce them. Also some States not only lack the human resources necessary to produce reports, but also the national supervisory and coordination mechanisms needed to gather the information required. **There is a particular need for some States to bring their national agencies responsible for counter-terrorism into the reporting process.**

79. Other Member States had the impression that because they had submitted reports to the Counter-Terrorism Committee, which also detailed the action they had taken in relation to Al-Qaida sanctions, they had satisfied their reporting obligations in relation to the 1267 Committee. Others took the view that, as the Al-Qaida issue was not of direct national concern, there was no need to give a high priority to the reporting requirement. This was also true for States that were either new countries, or had recently emerged from major conflict.

80. The Monitoring Team has been mandated by the 1267 Committee to continue to encourage those States that have not yet submitted their resolution 1455 (2003) report, to do so. This would help ensure that the overall assessment of reports to be submitted to the Security Council presents a full and accurate picture of what Member States have done to implement the sanctions regime. **To date, of those States listed as non-reporting in May 2004, four[5] have now submitted reports. A further eight States[6] have undertaken to do so as soon as possible.**

C. Analysis of the 43 additional reports

81. The Monitoring Team also had the immediate task of analysing 43 new reports[7] submitted by Member States pursuant to paragraph 6 of resolution 1455 (2003) between 30 October 2003, when its predecessor Monitoring Group produced its report, and the cut-off point of 27 April 2004. As the 43 reporting States represent less than a quarter of the membership of the United Nations, the Monitoring Team hesitates to do more than draw some preliminary conclusions.

82. The Monitoring Team found a great variation in quality in these new reports. Most seemed to have been completed as a necessary chore rather than as a useful tool in gauging the international response to the threat from Al-Qaida. Many were

[5] Libyan Arab Jamahiriya, Oman, Palau and the Sudan.

[6] Ethiopia, Fiji, Niger, Nigeria, Madagascar, Mali, United Republic of Tanzania and Uruguay.

[7] Cross-reference is also made to the section in this report entitled: "Implementation of the Sanctions".

descriptive and did not provide precise details of the action taken on the ground to implement the sanctions regime, or provide other useful information that addressed the questions asked.

83. The Monitoring Team believes the reporting culture of Member States is partly to blame, in that States find it easier to report what has been done politically rather than at the operational level. But had the questions shown more relevance to the actual situation in individual Member States, they would no doubt have elicited a fuller response. The questions asked also appeared to overlap in some cases with the reporting requirements of the Counter-Terrorism Committee, adding to the confusion as to where the boundaries between the two Committees lie. Some of the answers provided by States appeared to be more relevant to the Counter-Terrorism Committee than to the sanctions regime monitored by the 1267 Committee. **The Monitoring Team will propose ideas for a more focused questionnaire for consideration by the Committee.**

D. Consultation with States

84. A key objective for the Monitoring Team is to further and deepen its engagement with States so as to understand better how the Al-Qaida threat is perceived, how the measures are judged as a way to counter the threat, and what difficulties arise from their application. **The Team also aims to consult a wide range of national authorities directly engaged in the fight against terrorism** in order to develop ideas as to what further measures it might be useful for the Security Council to consider.

85. The Monitoring Team sees it as a first priority to visit States that face a particular threat from Al-Qaida and the Taliban, and some others that have developed a particular understanding of Al-Qaida methodology and organization. **To develop new ideas, the Monitoring Team proposes to bring together a small group of professionals from States with experience, expertise and some measure of success in dealing with the problem.**

86. Several States have already mentioned the issues of asylum and the difficulty of dealing with terrorists in one State who are plotting action in another. Subject to further consideration of the legal issues, the Monitoring Team **recommends** to the 1267 Committee that a new measure might include international agreement that no country should offer asylum to anyone named on the Consolidated List.

87. The Monitoring Team also aims to engage States that through a lack of capacity or for other reasons make less of a contribution to international efforts against Al-Qaida-associated terrorism than they might. It will work closely in this respect with the Counter-Terrorism Committee Executive Directorate and others to identify and, if possible, remove the barriers to cooperation.

88. Before visiting a Member State, the Monitoring Team will ensure that it has consulted fully with its Mission in New York on the objectives, schedule of meetings and timings of the visit. The Monitoring Team also intends to establish close working relations with regional bodies engaged in the fight against Al-Qaida-associated terrorism and is keen to respond to invitations from States that would like a greater engagement with the work of the Committee.

89. The Monitoring Team has so far visited Afghanistan, Pakistan, the Libyan Arab Jamahiriya, Egypt, and the United Kingdom and, with the Chairman of the 1267 Committee, Algeria, Tunisia, Morocco and Spain. With the agreement of the States concerned, and in no order of priority, it also plans to visit other countries in Central Asia, West Africa, the Middle East, South-East Asia, Europe and the Americas.

90. During its visits, the Monitoring Team has met both national bodies responsible for oversight of the sanctions regime, and those that are engaged operationally in counter-terrorist work. States were able therefore to provide the Team with their assessment of the threat from the Taliban and Al-Qaida-associated terrorism, as well as with information on the difficulties they have experienced in implementing the sanctions regime. The Team found great willingness in the States visited to assist the Security Council's work and to find new ways in which the international effort might add value to their own national efforts.

91. The Monitoring Team heard at first hand what the Afghan and Pakistani authorities were doing to clear their border areas of Taliban and foreign fighters, and saw for themselves some of the difficulties involved. Both States recognized the need to cooperate in this work. The Afghan authorities reiterated their need for greater international military assistance, while the Pakistani army provided a convincing demonstration of their determination to take lasting control of the border areas and to provide the necessary infrastructure to integrate the population with the rest of the country.

92. The Monitoring Team found the operational agencies in Egypt and the Libyan Arab Jamahiriya willing to draw on their extensive experience of Al-Qaida-associated terrorism to help find ways to promote more effective international cooperation. In Egypt the National Committee for Combating Terrorism demonstrated the value of coordinating all concerned government bodies so that policy makers had a full picture of the threat and national measures were both practical and effective. The National Committee also discussed with the Monitoring Team ways to further international cooperation.

93. In the United Kingdom the Monitoring Team found the authorities determined to contribute where they could to the international effort against terrorism, while being fully aware of the pressing nature of the threat nationally.

94. **The Monitoring Team intends to continue and develop its dialogue with the countries that it has visited and to brief the 1267 Committee in full on the nature of its discussions and the proposals that have emerged.**

E. Cooperation with the Counter-Terrorism Committee and its Executive Directorate

95. There have been repeated calls for greater coordination between the 1267 Committee and the Counter-Terrorism Committee, particularly with regard to their reporting requirements and potential to share information. There is also scope for a better exchange between the Committees and their experts on the assistance needed by States to contribute more efficiently to the international effort against terrorism.

96. The Monitoring Team has held several meetings with the Counter-Terrorism Committee experts to establish points of convergence and synergy between them, in

particular in relation to threat assessment and the capacity-building needs of Member States. This has been particularly useful before and after attending conferences and country visits. **The Monitoring Team fully expects to develop this dialogue further as the new Counter-Terrorism Committee Executive Directorate establishes its agenda and priorities.** In the meantime the Monitoring Team will continue to share its experiences and coordinate its activities with the relevant Counter-Terrorism Committee experts. The Monitoring Team sees close cooperation with the Counter-Terrorism Committee, and the Executive Directorate as it develops, as an important element of Security Council work in the field of counter-terrorism.

F. Cooperation with other United Nations bodies

97. The Monitoring Team has held meetings with other groups such as the Monitoring Group established pursuant to resolution 1519 (2003) to investigate violations of the arms embargo on Somalia, and with the Panel of Experts established pursuant to resolution 1533 (2004) on the flow of arms to the Democratic Republic of the Congo and other countries in violation of the arms embargo. The Monitoring Team has also established a link with various members of the United Nations Office for Drugs and Crime and intends to work with other bodies within the United Nations system with relevance to its mandate.

G. Country profile database

98. Concurrent with visits to Member States and analysing their reports, the Monitoring Team has begun to develop, with the assistance of the Secretariat, a country profile data base on each of the 191 Member States to record what is being done to implement the sanctions measures. This information will also include further contributions from Member States with regard to the national threat from Al-Qaida, and their needs for technical assistance. It is hoped that the data base may include relevant work across the United Nations community, and be available to the Counter-Terrorism Committee Executive Directorate, other panels of experts and relevant subsidiary bodies of the United Nations.

H. Conferences and seminars

99. Members of the Monitoring Team have attended and made presentations at several conferences on countering the financing of terrorism. This has helped the Team to expand its knowledge of what is being done globally to introduce financial regimes capable of supporting the implementation of the financial assets freeze. These meetings have also provided an opportunity to raise awareness of the aims of the 1267 Committee and the Team.

I. Case studies

100. The Monitoring Team intends to conduct case studies based on instances of Al-Qaida evasion of the sanctions regime, whether by managing to collect or move money, travel or acquire arms. These case studies should highlight the practical

difficulties in implementing the measures as well as show how Al-Qaida methodology is evolving to circumvent them. The Monitoring Team will conduct these case studies in close consultation with Member States.

VI. The second report

101. The Monitoring Team's second report, due by 15 December 2004, will continue its assessment of Member States' implementation of the measures, and of their effectiveness. It will make further recommendations for the refinement of the existing sanctions in the face of the evolving threat, based on consultations with Member States. It will also outline the Monitoring Team's work plan for the remainder of its mandate and preview the areas in which it will recommend new measures.

Annex

Frozen assets by country

Member State	Number of assets	Number of individuals and entities	Amount	Currency	Exchange rate (US$/unit)	Amount in US$	Comments
1 Albania	na	na	na			na	Reported as several bank accounts of a foreign individual and immovable property
2 Azerbaijan	1	1	40	US$	1.0000	40.00	Bank account for Benevolence International Foundation
3 Austria	1		4 000	US$	1.0000	4 000.00	Bank account
4 Bahrain	na	na	na			na	Letter dated 31.12.04 did not give details of assets frozen for an entity
5 Belgium	na	na	4 568	euro[a]	1.2032	5 496.22	Bank accounts, no further details provided
6 Bosnia and Herzegovina	na	na	7 994 026.02	KM[b]	1.2032	4 917 797.93	Bank account (1.175.026,02KM) & shares (6.819.00,00KM).
7 Canada	17	na	340 000	US$	1.0000	340 000.00	Bank accounts, no further details given
8 Egypt	1	1	na			na	Bank account of Revival of Islamic Heritage Society, but was later unfrozen
9 France	3	1	30 198.22	euro	1.2032	36 334.50	2 bank accounts for Global Relief Foundation. Authorities prevented the transfer of funds to Lajnat al Daawa al-Islamiyah.
10 Germany	10	na	4 935.75	euro	1.2032	5 938.69	No names of account holders given
11 Indonesia	5	2	not specified			na	Bank accounts of Imam Samudra & Dr Azhari bin Husin
12 Ireland	9	6	90 000	euro	1.2032	108 288.00	Bank accounts of 6 unspecified individuals
13 Italy	38	34	435 000	euro	1.2032	523 392.00	Bank accounts, insurance policies, and investment funds are reported frozen nb.
						-	Inconsistency in reports
14 Japan	4	na	600 000.00	US$	1.0000	600 000.00	As reported to CTC (S/2001/1306)
15 Kazakhstan	na	1	na			na	Report simply referred to financial assets of one individual
16 Liechtenstein	na	2	182 000	Swiss francs	0.7815	142 233.00	Not specified, but for two entities mentioned in CTC report Al Taqwa and Asat Trust
17 Morocco	1	1	na			na	Bank acount of listed person, Said Bahaji
18 Netherlands	1	1	2 763.21	euro	1.2032	3 324.69	Bank acount for Benevolence International Foundation
19 Norway	1	1	1 000	US$	1.0000	1 000.00	Bank account for Mullah Krekar
20 Pakistan	24	13	various	US$, pounds and rupees[c]		10 562 543.00	Various accounts for individuals and entities (approx.$387,965, £1086 Rs598,388,643)
21 Portugal	3	na	323.12	euro	1.2032	388.78	Bank accounts for Individuals
22 Saudi Arabia	41	11	5 679 400.00	US$	1.0000	5 679 400.00	Bank accounts for Individuals (7) and entities (4)
23 Spain	11	9	2 509 000.00	euro	1.2032	3 008 000.00	Ahmed Brahim and 8 others, accounts and credit cards frozen including
			29 593	pesetas[d]		213.65	Mohammed M M Naim
24 Sweden	na	6	1 200 000.00	SKr	0.1302	156 240.00	Assets of individuals (3) and entities (3)
25 Switzerland	82	na	34 000 000.00	Swiss francs	0.7815	26 571 000.00	Bank accounts for individuals and entities, inconsistency with 1390 report
27 Tunisia	na	3	na			na	Simply described as the property of terrorists
26 Turkey	1	1	2 000 000.00	US$	1.0000	2 000 000.00	For one person named Yasin El-Qadi
28 United Kingdom	na	na	334 428.14	pounds	1.8183	608 090.69	Likely to be bank accounts
29 United States	76	5	29 900 000	US$	1.0000	29 900 000.00	Entities associated with Al-Qaida and Taliban. Report also refers to $26.64 million having been released.
30 Yemen	1	1	5 900	riyal[c]	0.0054	31.94	Bank account of an individual

Notes

na = amount and/or nature of frozen assets were not specified.

Table does not include data from four Member States whose 1455 reports were marked confidential.

Sources of exchange rates

[a] Euro, Swiss franc and pound: Federal Reserve as of 30 July 2004.

[b] Bosnia and Herzegovina: derived from conversion rate of 1KM=1DM, euro zone conversion rate of 1DM=0.51129 euros to derive US$ value using Federal Reserve rates as of 30 July 2004.

[c] Pakistan and Yemen riyal: approximate rates as of 30 July 2004.

[d] Spanish pesetas: derived from conversion rate of 166.66 pesetas to 1 euro and then converted to US$ using Federal Reserve rates as of 30 July 2004.

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Letter dated 25 August 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I have the honour to draw your attention to the content of the letter dated 16 July 2004 by which the Secretary-General of the United Nations transmitted to you a report from the United Nations Organization Mission in the Democratic Republic of the Congo regarding the events which occurred in Ituri, in the north-eastern part of the country, from January 2002 to December 2003 (S/2004/573).

My Government attaches the greatest importance to that report. In view of the seriousness of the human rights abuses in Ituri that it describes, their persistence in the eastern provinces and the impunity that the perpetrators of these crimes continue to enjoy, my Government hopes that the relevant recommendations contained in that report will be considered and discussed in an open meeting of the Security Council.

I should be grateful if you would arrange for this letter to be circulated as an official document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

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Security Council
Fifty-ninth year

Human rights questions

Measures to eliminate international terrorism

Identical letters dated 25 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith an official note from the Revolutionary Government of Cuba, issued on 22 August.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 117 and 156, and of the Security Council.

(*Signed*) Rodney **López Clemente**
Ambassador
Charge d'affaires, a.i.

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Annex to the identical letters dated 25 August 2004 from the Chargé d'affaires, a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General and the President of the Security Council

Official note from the Revolutionary Government of Cuba

22 August 2004

On 14 August, the Ministry of Foreign Affairs informed international public opinion of rumours circulating in the Miami terrorist mafia that the President of Panama, Mireya Moscoso, would pardon terrorists being held in Panama, and that this decision would be taken between 15 and 30 August.

Reports of an imminent pardon of the four anti-Cuban terrorists have lately intensified in Panama and Miami.

Counter-revolutionary circles in Miami are predicting with certainty that Mireya Moscoso will fulfil her promise to pardon the terrorists in the coming days, before she leaves office.

Friends in Panama have confirmed these rumours and assure us that the Panamanian President has already taken the decision to pardon the terrorists of Cuban origin, Luis Posada Carriles, Gaspar Jiménez Escobedo, Pedro Remón and Guillermo Novo Sampol, who were detained, tried and sentenced in the Republic of Panama for the attempted assassination of comrade Fidel on the occasion of the Ibero-American Summit held in that country. Hundreds of sons and daughters of our sister nation would have also been massacred in that attempt.

The Revolutionary Government of Cuba condemns this latest affront to the Cuban people and reiterates that, if the terrorists being held in Panama are pardoned, President Mireya Moscoso and her Government will have to bear the full responsibility for, and consequences of, this shameful decision in the eyes of posterity.

The Cuban people, who have been subjected to the most vicious form of terrorism for more than four decades, and the families of the more than 3,000 who perished and the thousands who were injured at the hands of terrorists will never be able to comprehend this despicable act of betrayal by Ms. Moscoso.

The Panamanian President will have to bear the stigma and be associated with the immorality of having released confessed killers, terrorists of the worst sort. She will go down in history as the benefactress of terrorism and of these notorious criminals of Cuban origin.

The reprehensible act about to take place is not only a political but also a legal aberration. It is worth noting that, in accordance with Panamanian legislation, the President of the Republic has the power to issue a pardon only once the judicial process has been completed and a firm sentence has been handed down. The trial of the terrorists in question, however, is still being appealed. Hence, the granting of a pardon in this case would be contrary to Panama's own laws.

It is extremely telling that the pretext advanced from the outset by the defence attorneys for these terrorists, namely, that they are elderly and in poor health, is

precisely how the President is trying to justify her "humanitarian gesture". This should suffice to confirm the source of the pressure and the political blackmail behind this entire case.

There could be no better reflection of the ethical and moral rottenness of this decision than the deceitfulness and falseness with which the pardon was arranged.

The counter-revolutionary Miami mafia and the ringleaders of the terrorists gangs operating out of Miami have insistently called for the release of the terrorists by President Moscoso. We have learned that the Panamanian President's sister, Ms. Ruby Moscoso, is in constant contact with the Miami counter-revolution and was a key player in the efforts to release them.

It is widely known that, during his visit to Panama on the occasion of the Republic's centennial, the Secretary of State of the United States of America met with President Mireya Moscoso and sought the release of the four terrorists at the conclusion of their trial.

In the current context of the United States electoral climate, the Bush administration is painstakingly attempting to garner votes and financial support from the most recalcitrant sectors of Florida's Cuban population. This United States administration has amply demonstrated that neither ethical nor moral considerations, nor principles of international law, will deter it from achieving its political ends.

Unfortunately, the Panamanian President, in glaring ignorance of the worthy struggle that many Governments and peoples are waging against terrorism, is turning her back on justice, on the victims of these terrorist crimes, on the Cuban people, on the people of Panama and on all those who are genuinely combating this worldwide scourge.

We wish to express our eternal gratitude to the people of Panama for the solidarity and support they have shown us all these years. The Cuban people and Government will always be able to distinguish between the actions of the heroic Panamanian people and the perfidy of its leaders.

The Revolutionary Government of Cuba, on behalf of the family members of the victims of the terrorist acts by these murderers, and on behalf of all the Cuban people, appeals to international public opinion and to the Governments of the world to condemn and impede this irrational decision by Ms. Mireya Moscoso.

Lastly, we are issuing an extremely serious warning that, if she does not reconsider her decision and these monstrous criminals are pardoned, diplomatic relations between the Republic of Cuba and the Republic of Panama will be automatically severed the moment it is made public.

Havana, 22 August 2004

United Nations S/2004/682

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First report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. By its resolution 1545 (2004) of 21 May 2004, the Security Council established the United Nations Operation in Burundi (ONUB) for an initial period of six months as from 1 June, and requested me to report on developments every three months, including on the implementation of the Arusha Agreement and the execution of the Operation's mandate. The present report was prepared pursuant to that resolution and covers major developments since my report of 16 March 2004 on the situation in Burundi (S/2004/210).

II. Political developments

The transitional process

2. During the reporting period, the Burundian parties engaged in intense negotiations on the electoral process and post-transitional, power sharing arrangements. On 26 March, the President, Domitien Ndayizeye, invited 27 armed political parties and movements to an All-Party Forum to discuss the election and legal instruments to govern Burundi following the transition. The meetings ended without consensus. Thereafter, the Facilitation (South Africa) met with the armed political parties and movements on five occasions from April to July in Bujumbura and Pretoria. Upon taking up her duties in Bujumbura on 25 June, my Special Representative, Carolyn McAskie, worked closely with the Facilitation and the parties to move this process forward.

3. The Tutsi parties have called for some revisions to the Arusha Agreement and subsequent agreements, namely that the presidency should alternate between Hutu and Tutsi parties; there should be one (Tutsi) Vice-President with veto power, instead of two vice-presidents from different ethnic groups, as called for in the Arusha Agreement; and the interim period between the transition and full democracy should be 10 years, instead of 5 years. In addition, while, according to the Arusha Agreement, seats in the legislative bodies can be held by either Hutu- or Tutsi-dominated parties, the Tutsi parties argue that, if they are to be fairly represented in the legislative bodies, at least 70 per cent of the 40 per cent of the seats reserved for them must be occupied by Tutsis representing Tutsi-led parties and the remaining 30 per cent by Tutsis representing parties with a Hutu majority.

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The Hutu-dominated parties oppose these amendments to the agreements. It should be noted that by law, political parties must be ethnically mixed, that is, every party must have a 30 per cent minimum representation of each ethnic group.

4. During a meeting held from 18 to 21 July in Pretoria, the Facilitation stressed that the agreements should be adhered to. While the Hutu parties accepted this position, the Tutsi parties rejected it. On 22 July, Vice-President Alphonse Kadege, of the Tutsi-dominated UPRONA party, denounced the discussions as favouring the Hutu parties.

5. In order to break the deadlock, the Facilitation, in coordination with ONUB, invited all armed political parties and movements to Pretoria for a new round of consultations on 4 and 5 August. CNDD-FDD (Nkurunziza) declined to participate in the talks, stating that its position remained unchanged and that the date of the talks coincided with its annual conference. The talks ended with 20 predominantly Hutu parties agreeing to the power sharing formula put forward by the Facilitator and 11 predominantly Tutsi parties rejecting it. Nevertheless, some progress was made with a concession granted by the Hutu parties to increase by 21 the number of seats for minority groups in the National Assembly.

6. In the meantime, efforts continued to convince CNDD-FDD representatives to take the oath of office and occupy the seats reserved for them in the National Assembly, the Senate and the Cabinet, which they had refused to do in protest against the enlargement of, and the admission of former army officers into, the National Assembly. On 3 May, expressing concerns about delays in the appointment of its members to various positions, CNDD-FDD suspended its participation in Cabinet meetings and in the debates of the National Assembly. On 4 May, the Transitional Government appointed 13 local administrators, including three members of CNDD-FDD (Nkurunziza), and allocated diplomatic posts, including two ambassadorial positions, to CNDD-FDD. Nevertheless, CNDD-FDD continued to express reservations regarding the management of the National Assembly. On the sidelines of a meeting held at Pretoria on 27 July, CNDD-FDD (Nkurunziza) met on these issues with President Ndayizeye and the Speaker of the National Assembly and agreed to resume its activities within the National Assembly and the Cabinet. While CNDD-FDD is now actively participating in the National Assembly and Cabinet, there has as yet been no agreement on the terms of CNDD-FDD participation in the Senate.

Preparation for elections

7. On 28 May, President Ndayizeye announced the adoption by the Cabinet of a new electoral calendar that sought to postpone the elections by one year on technical grounds. Both CNDD-FDD (Nkurunziza) and FRODEBU rejected this proposal, which was welcomed by UPRONA. During its summit held on 5 June, the Regional Peace Initiative stressed that the electoral process should start without further delay, with a view to holding elections by 31 October.

8. ONUB has encouraged the parties to separate the technical aspects of electoral planning from the political negotiations, in order to move forward with the organization of elections. While progress was achieved with the establishment on 5 August of a National Independent Electoral Commission, its five commissioners have yet to be nominated. Once they are nominated, they will have to be approved by three quarters of the National Assembly. The Electoral Commission is responsible for

organizing, implementing and supervising the electoral operations, as well as the ballot count and the tabulation of the electoral results. In addition to the full establishment of the Commission and the drafting of the constitution, the Government still has to adopt communal and electoral laws.

9. Based on preliminary estimates, the United Nations Development Programme (UNDP) and ONUB have drafted an initial budget of approximately $21 million for the elections. This budget has been communicated to the Transitional Government, but it must still be finalized by the Electoral Commission. UNDP will establish and manage a trust fund for financial contributions for elections. While donors have expressed readiness to contribute to the trust fund, to date only UNDP has made any contribution ($1 million) towards the budget.

Negotiations with FNL (Rwasa)

10. Since taking up her duties in Bujumbura in June, my Special Representative has been working with the Facilitation and others concerned to build confidence between the Transitional Government and FNL with a view to facilitating a settlement between them. After holding an internal congress from 18 to 21 April, FNL declared it would suspend hostilities against the Transitional Government. Within 24 hours FNL broke the ceasefire, however, apparently reflecting a difference on the way forward between those who participated in the congress and the military leadership on the ground.

11. At their summit of 5 June, the Heads of State of the Regional Peace Initiative imposed immediate travel sanctions on the leaders and called on the African Union to recommend appropriate political and legal action if FNL had not joined the peace process within three months. At a meeting with my Special Representative in Nairobi on 17 and 18 July, FNL again expressed its readiness to cease fire, as well as to disarm and demobilize, on the condition that it be allowed to "tell its story to the international community and that its people are protected". It continued to maintain, however, that it would not join the Arusha peace process, which it viewed as only a power sharing arrangement. For its part, the Transitional Government expressed its scepticism of the sincerity of FNL (Rwasa), alleging that, in the meantime, FNL had escalated its attacks against the Burundian Armed Forces (FAB) in Bujumbura Rurale.

12. On 2 August, claiming that Government forces had been reinforced in Bujumbura Rurale, FNL again offered to cease fire, provided the following conditions were met: displaced persons in Bujumbura Rurale were allowed to return to their homes; the agreement signed in December 2003 by CNDD-FDD (Nkurunziza) and the Transitional Government was implemented; CNDD-FDD returned to its cantonment areas and the Burundian Armed Forces were confined to barracks; and ONUB verified FNL activities in the area. Sceptical of the readiness of FNL to ceasefire, and stating that it had not reinforced its positions as claimed by FNL, the Government did not accept the ceasefire offer, but indicated that it would be ready to engage in formal ceasefire negotiations to that end at a later, undetermined date.

13. Tensions in Bujumbura Rurale escalated thereafter, culminating in the massacre of some 160 Congolese Banyamulenge refugees at a UNHCR transit camp at Gatumba on 13 August. Preliminary reports indicated that the attack was well planned and executed and involved the use of automatic rifles and incendiary

grenades. Banyamulenge refugees were specifically targeted, while refugees of other ethnic groups and repatriated Burundians were left unharmed. FNL immediately claimed responsibility for the attack, although eyewitnesses reported to ONUB that FNL had actually attacked a nearby FAB base, while Congolese Mayi-Mayi and FDLR (Rwandan ex-FAR/Interahamwe) elements carried out the Gatumba massacre. FNL later stated that it had attacked the refugee camp as an act of retaliation for the support armed Banyamulenge refugees had provided to FAB forces when attacked by FNL. For its part, FDLR has denied any involvement in the attack.

14. At the request of the Security Council, in its presidential statement of 15 August (S/PRST/2004/30), a joint MONUC/ONUB team began an investigation on 16 August to establish the facts surrounding the massacre. Their findings and recommendations will be reported to the Security Council.

15. At a meeting with my Special Representative on 15 August, President Ndayizeye expressed concern about a possible alliance of FNL, Congolese Mayi-Mayi and ex-FAR/Interahamwe forces. Immediately after the massacre, the Burundian Armed Forces increased their presence in Bujumbura Rurale and along the border with the Democratic Republic of the Congo, which remains closed. At the same time the FAB Chief of Staff indicated that FAB would not hesitate to attack the Democratic Republic of the Congo if an attack were warranted; that statement was later retracted by President Ndayizeye.

16. On 16 August, a mass burial held for the victims of the massacre was attended by thousands of people, including President Ndayizeye and senior Congolese and Rwandan delegations. The funeral took on a political tone, with some Tutsi elements expressing opposition to President Ndayizeye and the United Nations. A positive development was a meeting of President Joseph Kabila and President Ndayizeye on the sidelines of the Dar es Salaam summit on 18 August, at which they agreed to work closely together to ease tensions in the subregion.

Summit of the Regional Peace Initiative

17. The twenty-second summit of the Regional Peace Initiative on Burundi was held in Dar es Salaam on 18 August. The President of the United Republic of Tanzania, Benjamin Mkapa, chaired the meeting in his capacity as Deputy Chairman of the Regional Initiative, since the Chairman of the Initiative, President Yoweri Museveni of Uganda, was unable to attend. The summit was attended by the Heads of State of Burundi, the Democratic Republic of the Congo, Mozambique, South Africa and Zambia; the Deputy President of South Africa, the Deputy President of Uganda and the Minister for Foreign Affairs of Rwanda; and representatives of Ethiopia, the African Union and the United Nations.

18. The regional leaders endorsed the proposal on power sharing put forward at Pretoria on 6 August. They also called upon the Transitional Government to establish the National Independent Electoral Commission by 19 August, and to draft the post-transition constitution within three weeks of that date. In addition, the Heads of State condemned the attack on the Gatumba refugee camp, declared FNL a terrorist organization and requested the African Union and the Security Council to support this decision.

Implementation Monitoring Committee

19. At its eighteenth session, held from 20 to 23 April, the Implementation Monitoring Committee, under the Chairmanship of my former Special Representative for Burundi, Berhanu Dinka, underlined the need for all political actors to ensure the adoption of the legal instruments necessary to begin the electoral process; for the armed political parties and movements to fulfil the preconditions for disarmament and demobilization; and for FNL (Rwasa) to enter into negotiations with the Transitional Government. At its nineteenth session, from 12 to 14 July, the Committee urged the Government and the National Assembly to set up the Electoral Commission and decided that, should the parties fail to reach consensus on a post-transition constitution by 31 July, it would, in accordance with the powers invested in it by the Arusha Agreement, hire national or international experts to draft the document. At its twentieth session, on 16 and 17 August, the Committee, noting the progress achieved with the establishment of the National Independent Electoral Commission on 5 August (see para. 8), decided to reassess the issue of the appointment of experts at its next session, after the summit of the Regional Initiative on 18 August.

III. Security sector reform and disarmament, demobilization and reintegration

20. Under resolution 1545 (2004), the Security Council provided ONUB with a mandate to contribute to the efforts of the transitional authorities in carrying out the reforms necessary to integrate the national defence and internal security forces and, in particular, to assist in the training and monitoring of the police. To this end, ONUB has created a security sector reform cell, to provide advice to the Government in planning and implementing the integration and reform of the armed forces.

Military integration

21. On 17 June, the Joint Ceasefire Commission endorsed a joint operations plan for the pre-disarmament, disarmament and demobilization of combatants, which has since been approved by the Cabinet. The endorsement of the plan, which is a prerequisite for beginning the disarmament, demobilization and reintegration process, was delayed for months by protracted discussions on the definition of a combatant (and hence his/her eligibility for demobilization assistance). It was agreed that the criteria would include proof of membership in an armed political party or movement, and a series of weapons-to-combatants ratios.

22. In January, the Government announced its intention to integrate all ex-combatants from the armed groups who wished to join them into the national military structures, which would then be downsized through the demobilization of some 14,000 combatants per year. While concern was at first expressed that this could imply a military force in the initial year of more than 80,000 combatants (including FAB), information received from the armed groups indicates that the figure is likely to be closer to 70,000. Of these, 13,000 will be transferred to the police and from 10,000 to 15,000 child soldiers, pensioners and war wounded would be immediately demobilized. This would leave an initial military of some 45,000, of which 25,000 would have to be demobilized to reach the Government's target of an

army of 20,000. The Government still has to prepare an operational plan for the integration, demobilization and reform of the military; and it has yet to indicate how it would cover the budget necessary to support this process.

23. With the support of the Governments of Belgium, France, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, a camp was established at Tenga (Bujumbura Rurale) for the integrated training of combatants from the various armed political parties and movements. The training of a 2,400-strong joint security brigade, including participants from all parties signatory to the Arusha Agreement, is scheduled to begin late in August. The Netherlands has provided the funding required to support activities, equipment and supplies for the camp for six months.

Disarmament, demobilization and reintegration

24. The technical preparations for the implementation of the disarmament, demobilization and reintegration programme are moving forward. The first demobilization centre at Gitega was made available to the National Commission for Demobilization, Reinsertion and Reintegration on 15 July. Two other centres, to be used respectively by FAB and the armed political parties and movements, are scheduled to be ready shortly.

25. UNICEF and the National Structure for the Demobilization of Child Soldiers, with ONUB support, have demobilized over 2,100 child soldiers from the Burundian Armed Forces, the Gardiens de la paix community-based militia, CNDD (Nyangoma), PALIPE-Agakiza (formerly PALIPEHUTU of Etienne Karatasi) and CNDD-FDD (Jean Bosco Ndayikengurukiye) and reunited them with their families.

26. Members of the armed political movements and parties are assembled in 12 pre-disarmament assembly areas throughout the country. ONUB military observers monitor those areas regularly. To date, the Burundian Armed Forces have not yet begun cantoning their troops, stating that continued deployment is required because of ongoing hostilities with FNL (Rwasa) and to secure the country's borders. The Transitional Government has requested CNDD-FDD (Nkurunziza) to deploy some troops to support FAB military operations. CNDD-FDD (Nkurunziza) has claimed that it has some 7,000 combatants patrolling in Cibitoké, Bubanza and Bujumbura Rurale.

27. At its 21st plenary meeting on 22 July, the Ceasefire Joint Commission extended until 31 July 2004 the deadline for the parties to provide certified lists of names and numbers of their combatants and armaments. The Burundian Armed Forces were also to present a cantonment plan for their troops and heavy weapons by the same deadline. All parties — except CNDD-FDD (Nkurunziza) and FAB — submitted certified lists to the Commission on 5 August. CNDD-FDD blamed technical problems (lack of computer facilities) for its failure to submit its list. FAB have also not provided a list of troops and weapons or a cantonment plan.

28. Although funding is available for demobilization and reintegration, primarily through the World Bank, the lack of a clear operational plan for the integration into civilian life of demobilized combatants remains a source of concern. Moreover, since FAB and CNDD-FDD (Nkurunziza) forces are still engaged in military operations, the commencement date for the process remains unclear. In the meantime, thousands of armed elements remain in pre-disarmament sites.

Police

29. The civilian police component of ONUB has begun work on the assessment of the current police structure; conducting analyses of training required; assisting with the formulation of a comprehensive plan for security arrangements during the elections; and formulating a strategic plan for the overall enhancement of the functioning of the local police. In accordance with its deployment plan, to date, 25 civilian police officers against an authorized strength of 120 have been deployed; additional officers will be deployed in accordance with requirements on the ground.

30. On 23 March 2004, the Government established an État major intégré de la Police nationale, in effect a national coordinating committee, comprising the police institutions and the signatories to the Arusha Agreement. ONUB provides advice to the committee. To date, the committee has established a timetable and agreed on internal rules and procedures for the creation of a national police service. It has also recommended an organizational structure for the Burundian police force. ONUB has urged the committee to develop, as a matter of priority, a national plan of action in coordination with the ongoing reform of the armed forces.

31. The Burundian police have been charged with the disarmament of civilians and provision of a secure environment for the elections. On 6 July 2004, the État major intégré finalized a plan for the formation, training and equipment of an interim police force for the period leading up to the electoral process. According to the plan, a total of 14,400 police officers, forming 20 tactical police units of 720 men and women, would undergo a two-month training course in order to provide security for the elections. The plan has been discussed in various forums with both national and international stakeholders. ONUB will act in an advisory capacity, and monitor the fulfilment of some preconditions for the training of the tactical police units, such as ensuring the participation of all the parties concerned, the payment of salaries, and selection criteria (age and education).

IV. Military and security developments

32. The Gatumba massacre occurred after a period of escalating tension in Bujumbura Rurale, while other areas of the country witnessed relatively secure conditions. There were, however, some isolated breaches of the ceasefire agreements in those areas. On 8 July, the Burundian Armed Forces attacked combatants of PALIPEHUTU-FNL (Mugabarabona) in Mpinga (Cibitoké), accusing the group of not having abided by its agreements when it occupied a former FAB position outside of its pre-disarmament assembly area. The incident happened before the Joint Ceasefire Commission had been given an opportunity to assess the situation. ONUB mediated an agreement by which both parties withdrew to agreed positions. In a second incident, on 23 July, FAB attacked members of CNDD (Nyangoma) at Muyinga, alleging that the group had conducted activities outside of its pre-disarmament assembly area.

33. The security situation in Cibitoké Province and Bujumbura Rurale continues to be a matter of great concern. In Bujumbura Rurale, FNL (Rwasa) and joint FAB/CNDD-FDD (Nkurunziza) forces regularly engage in skirmishes, particularly around the communes of Kabezi, Muhuta and Mutumba. From 25 to 27 July, heavy fighting resulted in the temporary displacement of nearly 25,000 persons from these communes. On 8 August, FNL ambushed a convoy, which included the Anglican

bishop and his entourage. The convoy escaped unharmed, although FNL later told ONUB that it would attack "pro-Government civilians as long as the population in Bujumbura Rurale continues to suffer at the hands of the Government".

34. The ONUB Force Commander, General Derrick Mbuyiselo Mgwebi (South Africa), has raised with the FAB Chief of Staff reports of FAB human rights abuses, particularly the cordoning-off of villages, arbitrary arrests and shooting at civilians attempting to flee such arrests. The Chief of Staff indicated that he would try to ensure that his forces respected human rights.

35. Reports of FAB engagements with ex-FAR/Interahamwe elements in Cibitoké Province after the May/June hostilities in the Democratic Republic of the Congo were received throughout July and August. ONUB and MONUC have increased their monitoring presence on their respective sides of the border, with a view to interdicting any Rwanda ex-FAR/Interahamwe or Congolese elements that may seek to cross the border.

36. The instability and tensions in these border areas were ignited with the massacre in the UNHCR camp at Gatumba on 13 August (see paras. 13-16 above). Following the massacre, FAB increased their presence at Rugombo and Karurama (Cibitoké), in addition to Gatumba. ONUB also deployed one company to assist in the provision of security at the UNHCR transit centres at Rugombo and Karurama. ONUB is also working closely with UNHCR and the Government to move the refugees to areas of safety.

Deployment of the Operation

37. On 1 June 2004, some 2,612 troops of the African Mission in Burundi (Ethiopia, Mozambique and South Africa, and 29 military observers from Burkina Faso, Gabon, Mali, Togo and Tunisia) were "re-hatted" as ONUB troops. As at 23 August, ONUB totalled 3,312 troops, composed of battalions from Ethiopia and South Africa; one company from Mozambique; an engineering company and a Level II hospital from Pakistan; an aviation unit and other support units from South Africa; and 102 military observers.

38. Force generation for ONUB has met with delays, as Member States have been slow to respond to requests for specialized units and some troop contributors have requested delays in previously agreed deployment timelines, while others have deployed troops without the necessary equipment. Moreover, no troop contributor has as yet indicated interest in providing a maritime unit or in pursuing the idea of the "over-the-horizon" force envisaged in my last report (S/2004/210). Consequently, the deployment of ONUB is behind schedule. However, while South Africa indicated that it would not be able to continue to provide many of the specialized units, it has agreed to maintain its maritime, special forces, military police, headquarters protection and engineering units until replacements are deployed, thus improving the initial operational readiness of ONUB.

39. In accordance with its concept of operations, ONUB has deployed a battalion each to Gitega (covering the Provinces of Gitega, Kayanza, Kirundo, Muramvya, Muyinga, Mwaro and Ngozi) and Bubanza (covering Bubanza and Cibitoké Provinces). One company remains in Bujumbura and will be built up to battalion strength, with an area of responsibility including Bujumbura Rurale and Bururi. As

the Operation expands, it will deploy a battalion each to Makamba (c vering Makamba, Rutana, Ruyigi and Cankuzo) and Cibitoké.

40. In response to the continuing instability, ONUB has begun daily patrols in Bujumbura Rurale, and will soon maintain a 24-hour presence in the Province. In addition, some 100 military observers have been deployed to field sites, mostly in Bujumbura Rurale. When ONUB initially deployed into Bujumbura Rurale, it encountered some difficulties in coordinating its freedom of movement. The situation has recently improved, however, and there is regular, close coordination between ONUB and FAB. Meanwhile, the maritime unit conducts daily patrols on Lake Tanganyika between the Ruzusi River, the border with the Democratic Republic of the Congo and Kabezi in the south. To enhance coordination, particularly relating to cross-border movements of armed elements and arms trafficking, MONUC has deployed a liaison officer to ONUB and it is envisaged that an ONUB officer will be posted with MONUC in a reciprocal arrangement.

V. Human rights

41. Regrettably, there has been little improvement in the human rights situation in the country. Summary executions of civilians, torture, sexual violence, illegal and arbitrary detention continue, with impunity, primarily targeting the civilian population. The situation is particularly grave in Bujumbura Rurale. Both FNL and joint FAB/CNDD-FDD forces have been accused of grave violations of international humanitarian law and human rights, as well as looting and subjecting the population to a constant state of fear.

42. On 29 May 2004, eight civilians, including two young children, were killed at Kinama commune, allegedly by government forces. On 11 July, the local administrator of Mutambu commune escaped a grenade attack suspected to have been carried out by FNL (Rwasa). Nine people were reported to have been wounded, three of whom later died. On 14 July, seven people were killed in Mukike commune, also allegedly by FNL (Rwasa). Most of the attacks attributed to FNL (Rwasa) target local administrators.

43. From 16 to 25 May, the Assistant Secretary-General for Political Affairs, Tuliameni Kalomoh, led a multidisciplinary assessment mission to Burundi to consider the advisability and feasibility of establishing an international judicial commission of inquiry for Burundi, as called for under the Arusha Agreement. The report is expected to be finalized shortly.

44. It will be recalled that the crisis of 1993 was preceded by widespread accusations of witchcraft, which were used to frighten rural populations. Such accusations have resurfaced in recent months; there are reports of alleged wizards and witches having been beaten and in some cases burned to death. Numerous cases of poisoning have also been reported in various parts of the country. ONUB plans to launch investigations shortly into this and other human rights violations.

45. Some of the former combatants of CNDD-FDD (Nkurunziza) have established administration and justice systems parallel to the Transitional Government, including the creation of illegal detention centres. On 8 July 2004, 12 people were transferred to the prison of Ruyigi after having spent from three to nine months in detention at the CNDD-FDD (Nkurunziza) position at Karinda under inhuman and

degrading conditions, showing signs of torture. Both CNDD-FDD (Nkurunziza) and FNL (Rwasa) also reportedly fine and tax the population of Bujumbura Rurale.

46. In close coordination with the Office of the United Nations High Commissioner for Human Rights, ONUB intends to deploy more than 40 human rights observers in five field offices to monitor and report on human rights violations. ONUB will also work with the Humanitarian Coordinator and the humanitarian community on protection of civilian issues. The Operation has also established a gender unit to work on advancing gender issues, in particular to support women's participation in the electoral process and promote strategies to deal with sexual violence. In addition, ONUB has established a special position for a code-of-conduct officer to ensure a policy of zero tolerance of sexual violence or intimidation by United Nations staff in Burundi.

VI. Economic situation

47. In 2003, the Burundian economy recorded a negative growth rate of 1 per cent in real terms, aggravating already dire poverty and humanitarian problems. An estimated 67 per cent of the population live below the poverty line, and 6 per cent of the adult population are HIV-positive; there were an estimated 25,000 AIDS-related deaths in 2003. Inflation is at 10 per cent.

48. The Government has concluded agreements with the Bretton Woods institutions on a programme of economic reform to stabilize the macroeconomic situation, facilitate the mobilization of foreign assistance, lay the foundation for growth, and reduce poverty. Macroeconomic policies to encourage growth and reduce inflation are being implemented. The Government has set a projected real growth rate of 5 per cent, based on the expectation that normal rainfall and the return of refugees would lead to a 4 per cent increase in agricultural production. The Government has also set a target inflation rate of 5.5 per cent, based on a reduction in the price of basic commodities, stable petrol prices and a prudent fiscal policy.

49. On 29 July, the Special Representative of the Secretary-General convened a meeting of 11 donors, namely Belgium, Canada, France, Italy, Japan, the Netherlands, Sweden, Switzerland, the United States of America, the European Community and the World Bank, to identify criteria for expediting the disbursal of some $1.3 billion in pledged funds. The donors stressed the need for the Government to clearly define the programmes for which it had sought funding, including the provision of detailed programmes for good governance, disarmament, demobilization and reintegration, security sector reform, and reform of the police. The donors also called on the Government to ensure transparency in its defence budget, the preparation of a clear plan for integrating ex-combatants, and the establishment of the National Independent Electoral Commission.

VII. Humanitarian situation

50. While the humanitarian situation in much of Burundi has been slowly improving, the situation in Bujumbura Rurale remains precarious. Tens of thousands of people have been adversely affected by the conflict, particularly in the communes of Muhuta, Mutambu and Kabezi. Large segments of the population have been displaced and their access to agricultural fields impeded.

51. The hostilities of May and June in the eastern Democratic Republic of the Congo led to the influx of over 19,000 refugees into Cibitoké Province and Bujumbura Rurale over a three-week period beginning on 9 June. Prior to the Gatumba massacre, UNHCR had started moving willing refugees to a site in Muyinga Province. In the wake of the massacre, the authorities have agreed to accelerate the relocation of the refugees further east. The World Food Programme has provided food stocks, and UNICEF and its partners are providing trauma counselling for the survivors.

52. The Tripartite Commission, composed of UNHCR and the Governments of Burundi and the United Republic of Tanzania, held its eighth plenary session in Bujumbura on 23 and 24 June to discuss ways of speeding up the repatriation and resettlement of Burundian refugees from the United Republic of Tanzania. Thereafter, a new entry point was opened at Makamba to facilitate additional returns. As at 30 July, more than 65,000 refugees have returned since the beginning of the year, including 61,915 refugees repatriated under UNHCR auspices, and 200,000 in total since 2002. Increased returns are likely in the coming months pending a political agreement on the elections. In total, it is estimated that 777,000 Burundian refugees remain in the United Republic of Tanzania, over 287,000 in camps, 170,000 in settlements, and 300,000 — most of whom had fled Burundi in 1972 — in villages.

VIII. Mine action

53. In accordance with its mandate, ONUB has established a Mine Action Coordination Centre, which will provide mine action support to the Operation and to the Transitional Government and humanitarian organizations. A draft strategy for mine action in Burundi has been prepared and is currently being circulated for comments. Coordination mechanisms have been established and effective working relationships have been developed with all concerned stakeholders. Standard operating procedures for clearance activities undertaken by ONUB force assets have been prepared by the Mine Action Coordination Centre and approved for implementation by the Special Representative of the Secretary-General.

IX. Financial aspects

54. The General Assembly, by its resolution 58/312 of 18 June 2004, authorized me to enter into commitments in the amount of some $156 million, inclusive of the amount of $49.7 million for the establishment of ONUB up to 30 June 2004 and $106.3 million for the maintenance of the Operation for the period from 1 July to 31 October 2004. This authorization has been granted by the Assembly pending review of the full budget of the Operation for the 2004/05 financial period at the main part of its fifty-ninth session.

55. As at 31 July 2004, unpaid assessed contributions to the special account for ONUB amounted to $146.7 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,478.7 million.

X. Observations

56. The international community was horrified by the massacre at Gatumba on 13 August. I would like to express my condolences to the families of those who were killed and injured in that massacre. The Governments of Burundi and the Democratic Republic of the Congo, as well as the international community as a whole, must ensure that those responsible are held accountable. The Gatumba massacre and reports of a possible alliance between FNL and Rwandan and Congolese armed groups is a worrying development not only for Burundi but also for the entire subregion. I am encouraged by the meeting of Presidents Kabila and Ndayizeye on 18 August and I call on them to ensure that their Governments and military forces continue to work closely together to ensure security on their common border. I urge the Government of Rwanda also to work closely with the Governments of Burundi and the Democratic Republic of the Congo to put an end to the scourge of ethnic-based hostilities and abuse that has afflicted the people of the subregion for so long.

57. I am also deeply concerned about the possibility of heightened ethnic tensions in Burundi following the Gatumba massacre. The Burundian parties must not allow this horrific incident set them back after years of progress towards peace and development. Despite delays in some areas of the peace process, the negotiations on post-transition power-sharing had shown signs that the parties were willing to find common ground to implement the Arusha timetable and preserve peace in their country. I call on them to continue in this direction. Finding ways of ensuring that all groups in the country are secure and able to participate meaningfully in the government and economy is the only path towards long-term stability and development.

58. The human rights abuses that innocent civilians in Burundi continue to suffer are unacceptable. All those responsible should realize that the age of impunity is over. I call on those responsible to stop such abuses immediately and remind them they will be held accountable. I also call on the Transitional Government to work actively and openly with ONUB and the Office of the United Nations High Commissioner for Human Rights, as well as other donors, to strengthen its own human rights and judicial institutions and to ensure that they operate fairly with regard to all groups in the country.

59. My recommendation to the Security Council in my last report (S/2004/210) that it consider establishing a United Nations peacekeeping mission in Burundi, was based on the request of the Burundian parties and their stated commitment to complete the transitional process and hold elections by 31 October. While the parties have continued active negotiations to that end, they have yet to demonstrate the good faith and political will necessary to fufil their commitments to each other and to the Security Council.

60. Security sector reform, disarmament and demobilization remain far behind schedule, owing to the lack of active participation, particularly of the Burundian Armed Forces and CNDD-FDD (Nkurunziza). The electoral timetable is also falling behind schedule.

61. I urge the parties to be guided by the advice of my Special Representative that the technical preparations for the elections should be separated from the political aspects. I expect that the Government will complete the establishment of the

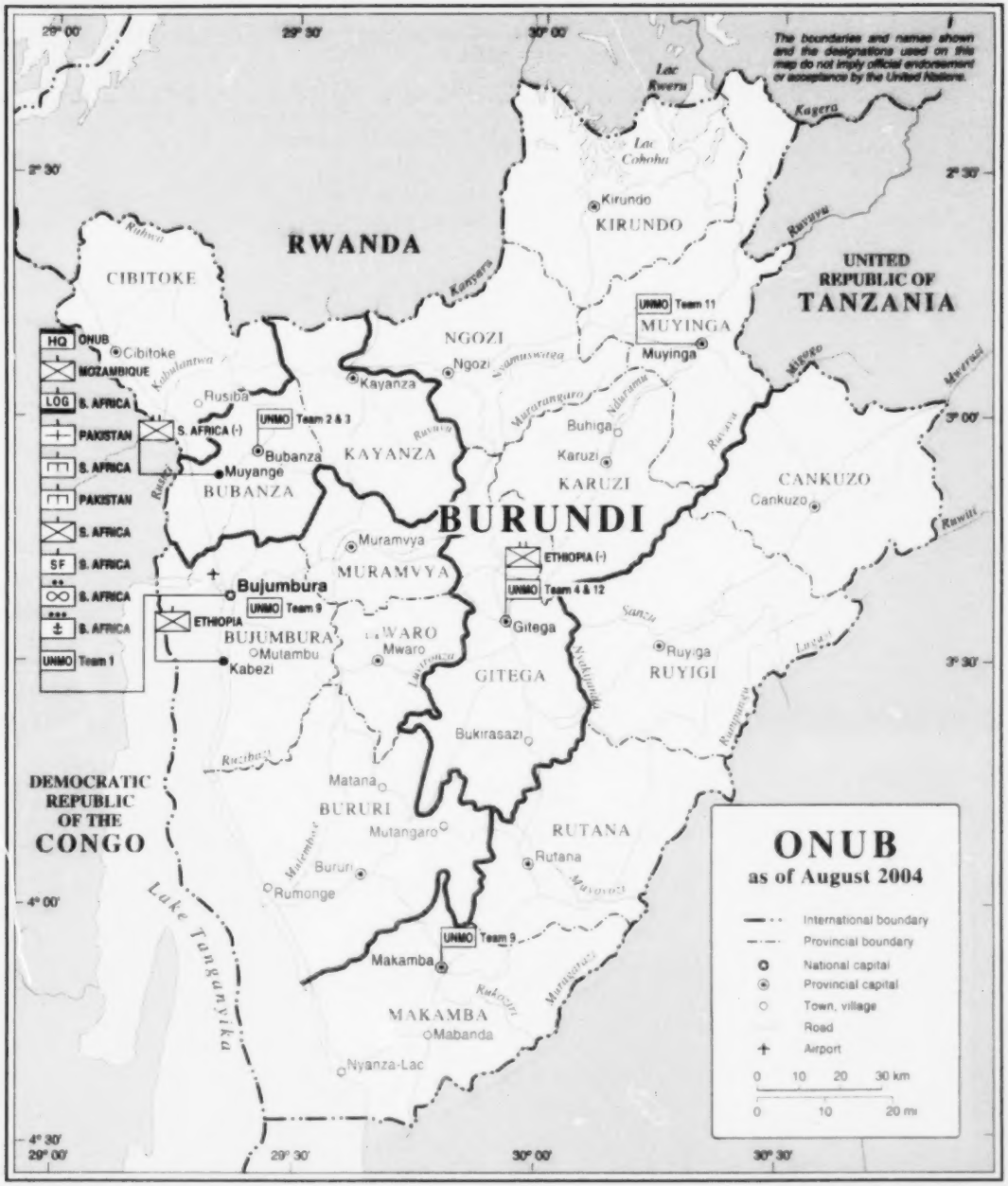
National Independent Electoral Commission by 29 August, as requested by the Regional Peace Initiative, and ensure the completion of the drafting of the constitution and the adoption of all remaining electoral laws shortly after.

62. In closing, I would like to thank my former Special Representative, Berhanu Dinka, for the role he has played over many years in assisting the Burundian peace process. I would also like to express my gratitude to the Regional Initiative, and also to South Africa for its untiring efforts to assist the Burundian people both through its role as Facilitation and its contribution to ONUB. I also pay tribute to my Special Representative, Carolyn McAskie, and to all the women and men of ONUB and the United Nations funds and programmes in Burundi for their dedication to bringing peace to that country.

Annex

United Nations Operation in Burundi: military and civilian police strengths

	Military component				
Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Police officers*
Bangladesh	2			2	
Benin	4			4	2
Bolivia	3			3	
Burkina Faso	7	2		9	6
Cameroon					5
Chad	7			7	
China	3			3	
Ethiopia	3	3	853	859	
Gabon	6			6	
Gambia	2			2	
Guatemala	3			3	
Guinea	2			2	1
India	2	2		4	
Jordan	2	2		4	
Malawi	3			3	
Malaysia	3			3	
Mali	11	2		13	11
Mozambique	3	4	225	232	
Namibia	3			3	
Nepal	3	10	680	693	
Niger	2			2	7
Nigeria					1
Pakistan	3	6	314	323	
Paraguay	3			3	
Peru	3			3	
Philippines	3			3	
Romania	5			5	
Russian Federation	6			6	
Senegal	5	4		9	1
South Africa	2	24	1 041	1 067	
Spain		1		1	
Sri Lanka	2			2	
Togo	11	3		14	
Tunisia	8	3		11	
Turkey					1
Uruguay	3			3	
Yemen	3			3	
Zambia	2			2	
Total	**133**	**66**	**3 113**	**3 312**	**35**



Map No. 4222 UNITED NATIONS
August 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2004/683

Security Council

Distr.: General
25 August 2004

Original: English

Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 17 February 2004 (S/2004/130), transmitting a third report from Namibia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Namibia to the United Nations to set out its preliminary comments. Namibia has been requested to provide a response in the form of a fourth report by 18 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

04-47314 (E) 080904

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Security Council

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25 August 2004

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Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 4 March 2004 (S/2004/181), transmitting a third report from Kenya submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Kenya to the United Nations to set out its preliminary comments. Kenya has been requested to provide a response in the form of a fourth report by 28 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Security Council

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25 August 2004

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Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 8 December 2003 (S/2003/1174), transmitting a third report from Latvia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Latvia to the United Nations to set out its preliminary comments. Latvia has been requested to provide a response in the form of a fourth report by 28 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Security Council

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25 August 2004

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Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 9 September 2003 (S/2003/869), transmitting a third report from Mexico submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Mexico to the United Nations to set out its preliminary comments. Mexico has been requested to provide a response in the form of a fourth report by 18 November 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Security Council

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Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 2 October 2003 (S/2003/968), transmitting a third report from Israel submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Israel to the United Nations to set out its preliminary comments. Israel has been requested to provide a response in the form of a fourth report by 28 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 29 May 2003 (S/2003/583), transmitting a third report from Saudi Arabia submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Saudi Arabia to the United Nations to set out its preliminary comments. Saudi Arabia has been requested to provide a response in the form of a fourth report by 28 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Original: English

Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 3 September 2003 (S/2003/856), transmitting a third report from Turkey submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Turkey to the United Nations to set out its preliminary comments. Turkey has been requested to provide a response in the form of a fourth report by 18 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Security Council

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Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 6 November 2003 (S/2003/1084), transmitting a third report from Ukraine submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Ukraine to the United Nations to set out its preliminary comments. Ukraine has been requested to provide a response in the form of a fourth report by 18 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Security Council

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Letter dated 25 August 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my predecessor's letter of 29 July 2003 (S/2003/774), transmitting a third report from Venezuela submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully, with the assistance of its experts, and has written to the Permanent Representative of Venezuela to the United Nations to set out its preliminary comments. Venezuela has been requested to provide a response in the form of a fourth report by 18 October 2004.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

04-47302 (E) 080904